

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

IN THE MATTER OF:

ST. PATRICK'S FOXHALL PROJECT

Case No. 17429

Tuesday,  
June 13, 2006

Hearing Room 220, South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 17429 by the District of Columbia Board of Zoning Adjustment convened at 9:30 a.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, Northwest, Washington, D.C., Geoffrey Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
CURTIS ETHERLY, JR.	Board Member
JOHN A. MANN, II	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

JOHN PARSONS	Commissioner (NPS)
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This transcript constitutes the Minutes of the Public Hearing held on June 15, 2006.

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9:38 a.m.

CHAIRPERSON GRIFFIS: A very good morning to everybody.

Let me call to order our Public Hearing of 13<sup>th</sup> of June 2006. This is, of course, the Board of Zoning Adjustment of the District of Columbia. My name is Geoff Griffis, Chairperson.

Joining me today is Mr. Parsons, representing the Zoning Commission and Mr. Mann, representing the National Capital Planning Commission.

Mr. Etherly is running a little bit late. He will join us shortly. I'm going to do my opening very slowly so he won't miss much, but we'll get right into it.

The Vice Chair has unfortunately been delayed out of town and will not be joining us today.

We will figure out at the end of the day whether she would participate with the record or not. However, that's detail we'll get into.

With that, let me say a very good morning to everybody. I'm going to dispense with saying you can pick up an agenda which is located where you entered into the hearing room. However, if you're here for the second case of the day, you're in the

1       wrong place.

2                   That being said, getting right to it, I'm  
3       going to ask everyone to turn off their cell phones,  
4       beepers, any electronic transmitting devices. It has  
5       come to my understanding that actually your  
6       Blackberries also disrupt transmission, so if it's  
7       possible you could turn those off also.

8                   The order of procedure for the special  
9       exceptions and variances in all our hearings and for  
10      today, the special exceptions is as follows: We will  
11      hear from the Applicant in the presentation of their  
12      case.

13                  We will then go to any Government reports  
14      attendant to the application. I think we are joined  
15      by several if not many Government agency  
16      representatives today to present their reports.

17                  We will move third to the Advisory  
18      Neighborhood Commission.

19                  Fourth will be persons or parties in  
20      support of the application.

21                  Fifth would be the persons or parties in  
22      opposition to the application.

23                  Sixth, finally, we will return to the  
24      Applicant for rebuttal testimony, witnesses, and/or  
25      closing remarks and conclusions.

1                   We do have time constraints on everything  
2           that we do. We'll try and set up some for today as we  
3           move forward. But most important, of course, what  
4           takes up and occupies a great deal of time is cross  
5           examination.

6                   Cross examination by our regulations is,  
7           of course, able to be directed by myself. It should  
8           be germane to the point, succinct. I will give  
9           specific direction as we get into that as is needed.

10                   Of course, the ANC within which the  
11           property is located is automatically a party in the  
12           case and will, therefore, be able to conduct cross  
13           examination. Other parties we've established already  
14           as we entered into this case this morning in this  
15           hearing have been set. Those parties are also able to  
16           conduct cross examination.

17                   The record will be closed at the  
18           conclusion of the hearing on this case. We fully  
19           anticipate as we've set the entire day for this that  
20           we would conclude today, possibly even before  
21           dinnertime. But we'll see as we run through as we get  
22           into all the very important and pertinent information.

23                   However, when the hearing does close it  
24           should be clearly understood that the record is closed  
25           and no additional information is accepted into the

1 record, except for any material, of course, that we  
2 would request to be submitted into the record. And we  
3 will be very specific if additional information is  
4 needed.

5 It's important to understand that because  
6 what we're doing here today in this contested case, as  
7 all cases are before the Board of Zoning Adjustment is  
8 creating the official record. The official record is  
9 created in the open and before the public as in  
10 accordance to the Sunshine Act, also in accordance  
11 with our rules, regulations and procedures.

12 We do often enter into Executive Sessions  
13 both during or after hearings on cases. That's used  
14 for our purposes to review records and possibly to  
15 deliberate on cases. As I've said, that is in  
16 accordance with the Sunshine Act and our rules and  
17 regulations.

18 However, the important piece to understand  
19 is that the record we create today in this hearing  
20 room is the basis of which all our decisions will be  
21 made in this case.

22 So, we ask several things. First of all,  
23 to make sure that everything gets into the record that  
24 is germane and important for our deliberation. We  
25 also ask that people not engage Board members in

1 private conversations today if we're in a recess or  
2 off the dias at any point so that we do not give the  
3 appearance of receiving information outside of the  
4 public record.

5 Let me say a very good morning to Ms.  
6 Bailey who is on my far left. Ms. Monroe, with the  
7 Office of the Attorney General. Mr. Moy is joining us  
8 and will be either on my right or left as is his  
9 custom.

10 And with that, let me ask that everybody  
11 here present this morning that is anticipating or will  
12 be providing testimony before the Board if you would  
13 please stand and give your attention to Ms. Bailey.  
14 She's going to swear you in.

15 MS. BAILEY: Would you please raise your  
16 right hand? Do you solemnly swear or affirm that the  
17 testimony that you will be giving today will be the  
18 truth, the whole truth and nothing but the truth?

19 CHAIRPERSON GRIFFIS: Excellent. Thank  
20 you all very much.

21 At this time then, we're ready for  
22 preliminary matters. Preliminary matters are those  
23 which relate to whether a case will or should be heard  
24 today. We have one case on the agenda today, of  
25 course. So, I would entertain any preliminary

1 matters.

2 Preliminary matters are those such as  
3 whether proper and adequate notice has been provided  
4 or if there are any other sticklers that we need to  
5 look at before we move forward.

6 A very good morning to you. If you would,  
7 introduce yourself for the record?

8 MR. FEOLA: Thank you, Mr. Chairman. Phil  
9 Feola, Pillsbury, Winthrop, Shaw, Pittman, on behalf  
10 of the Applicant.

11 We do request that the Board accept some  
12 amendments to our application today. Pleased to  
13 report that the Applicant and the three opposing  
14 parties have come to a resolution of their issues.  
15 And with the amendments we are proposing today, we  
16 will hopefully not have any parties in opposition as  
17 we go forward.

18 Those amendments real briefly, some of  
19 which we will cover in our presentation involve a  
20 modification to the Foxhall Road right-of-way, which  
21 the Department of Transportation has approved as  
22 you'll hear later. A reduction in the number of  
23 houses in the theoretical subdivision from 19 ro 18 to  
24 address a concern of the National Park Service. A few  
25 other minor changes on the edges of the property that



1 have been a request of the National Park Service. And  
2 two pieces of information that are updates from what  
3 is in our pre-hearing submission.

4 The first is a new Operations Plan that  
5 has been negotiated with the Colony Hill Neighborhood  
6 Association and individual parties in opposition in  
7 the Foxhall Community Citizens Association, which  
8 would replace in its entirety Exhibit C of our pre-  
9 hearing submission which is dated February 9, 2006.  
10 It's an enhanced, more restrictive operations plans as  
11 it affects the independent school that we're proposing  
12 here today.

13 And finally, there is as part of our pre-  
14 hearing submission, I'm sorry, the Operations Plan.  
15 Get the right exhibit number. I apologize.

16 The Operations Plan was actually Exhibit K  
17 of our pre-hearing submission dated February 9<sup>th</sup>.

18 The final change, if you will, or  
19 amendment to our application is to Exhibit C of that  
20 document which is the Proposed Homeowner Documents,  
21 Architectural Guidelines and CCRs for the entire  
22 development including the nine lots on Hoban Road  
23 which are matter-of-right lots. And I think I had  
24 given staff copies of these exhibits for your  
25 consideration.

1                   So, basically, we have enhanced the  
2       Operations Plan, made it more restrictive on the  
3       Applicant. We have enhanced the architectural  
4       controls on the proposed new houses and we have  
5       modified the Foxhall road right-of-way, as well as  
6       reduce the number of houses in the theoretical  
7       subdivision by one.

8                   CHAIRPERSON GRIFFIS: Okay. Total number  
9       of theoretical units then, if it's reduced by one?

10                  MR. FEOLA: Eighteen.

11                  CHAIRPERSON GRIFFIS: With the new  
12       Operations Plan you said that it was modifying Exhibit  
13       C.

14                  MR. FEOLA: No. No. I apologize. I gave  
15       you the wrong exhibit. It's actually Exhibit K --

16                  CHAIRPERSON GRIFFIS: Right.

17                  MR. FEOLA: -- of the pre-hearing  
18       submission.

19                  CHAIRPERSON GRIFFIS: Okay. "K" I got  
20       that and then this is what you've put in now is just  
21       to replace the entire?

22                  MR. FEOLA: Yes. In its entirety.

23                  CHAIRPERSON GRIFFIS: I see. I see.  
24       Okay. And we'll get through all that.

25                  Excellent.

1 Anything else?

2 MR. FEOLA: That's it.

3 CHAIRPERSON GRIFFIS: Good. Let's take up  
4 a couple of other things attendant to that.

5 First of all, how much time do you need to  
6 present your case this morning?

7 MR. FEOLA: Probably will need about 75  
8 minutes.

9 CHAIRPERSON GRIFFIS: Okay. I will let  
10 you know when you get close to that. We won't run a  
11 clock on that, however. Hopefully, we'll stay to that  
12 presentation time.

13 Now, a quick preliminary question from the  
14 Board. Of course, we're here for two special  
15 exceptions to 2116 and 206. They are of different  
16 criterium and of course deal with different things.

17 You have put in one application for both  
18 of those reliefs requested. My question to you is,  
19 how are you wanting the Board to treat those? For  
20 instance, are the theoretical lots going to be tied to  
21 any specifics that the school would be tied to, or is  
22 there some sort of separation? How are we wanting to  
23 proceed with this?

24 MR. FEOLA: We would prefer that the Board  
25 approach this as a single application with two sub-

1 parts as if they were a roof structure special  
2 exception and a read-yard variance so to speak. But  
3 both developments are separate, if you will. They are  
4 not dependent on either in terms of moving forward  
5 except for the financial tie that they're all in  
6 single ownership --

7 CHAIRPERSON GRIFFIS: Okay.

8 MR. FEOLA: -- at this point in time.

9 CHAIRPERSON GRIFFIS: Okay. However, if  
10 you had a roof relief on a single building, it would  
11 be tied somewhat to moving forward.

12 MR. FEOLA: That's correct.

13 CHAIRPERSON GRIFFIS: Let me see if a  
14 suggestion from the Board might be useful in moving  
15 this ahead.

16 We look at this as a single application  
17 and obviously the information is tied together. It's  
18 important to have one hearing on the same base facts  
19 and information. However, it seems to me that there  
20 is a bright-line separation.

21 For instance, if this was approved, I  
22 don't think you're saying that the owners of the new  
23 lots crated would be tied to the conditions that might  
24 be imposed on the schools or --

25 MR. FEOLA: That's correct.

1                   CHAIRPERSON GRIFFIS:   -- may be supported  
2     on the school.    So, if it was falling into non-  
3     compliance, the housing wouldn't need to be torn down.

4                   MR. FEOLA:   That's correct.

5                   CHAIRPERSON GRIFFIS:   Okay.   So, in our  
6     sense, I think what we'll want to do is not separate  
7     them into two mini hearings but bundle these together  
8     as the facts are the same.

9                   I would anticipate though that we would  
10    take up two votes.   That we will vote separately on  
11    2516 and separately on 206 for our matter.   And then  
12    procedurally I may request that we issue separate  
13    orders under the same application number, perhaps an A  
14    and B.   I think we will have differing fact-findings  
15    on each --

16                  MR. FEOLA:   Yes.   I agree with that.

17                  CHAIRPERSON GRIFFIS:   -- that would be  
18    relevant.

19                  Okay.   So, with that, what I would ask is  
20    that and for all the participants also in terms of the  
21    parties that are involved in this.   And specifically  
22    the Applicant as you frame these bringing clarity of  
23    differentiation is going to be important so that we  
24    can be clear and obviously everyone can understand  
25    what we're looking at.   Okay.

1                   Anything else then?   Any other quick  
2   clarifications?

3                   MR. FEOLA:   Would you like to hear from  
4   the parties, Mr. Chairman?

5                   CHAIRPERSON GRIFFIS:   Pardon me?

6                   MR. FEOLA:   Would you like to hear from  
7   the parties about my suggestion that they may switch  
8   to be party supporters?

9                   CHAIRPERSON GRIFFIS:   Yes.   Yes.   I want  
10   to get everything on of a preliminary nature at this  
11   point before we bring them up.   But I think that may,  
12   in fact, be it.

13                   So, with that, let's have the ANC.   I  
14   believe the ANC is here.   If they would come up and  
15   the three parties.   Colony Hill, Herbert.

16                   Is Ms. Firster here?   Okay.   Excellent.

17                   A very good morning.   Let's start with the  
18   ANC.   We can just turn the microphone on.   Of course,  
19   I'd skip through this very quickly, but you would just  
20   need to state your name and address for the record and  
21   first introduce yourself to the Board.

22                   Also, there are witness cards that are  
23   probably on the table and they are in front of you.  
24   If you are going to present testimony or address the  
25   Board, we're going to ask that you fill those out.

1 Those go up to the recorder, hopefully prior to  
2 coming forward, but at this point we'll get them over  
3 there when they need to be.

4 Very well. We have a couple of things.

5 First of all, of course, the additional  
6 information, the changes in the application, if  
7 there's comments on that, we'll take that also. If  
8 you want to indicate how much time and then position  
9 if it's changed, I'll let you speak.

10 MS. GATES: ANC-3D. It's represented this  
11 morning by Alma Gates, the Chair, and by Ann Haas who  
12 is the single member district commissioner.

13 I think both Commission Haas and I support  
14 the agreements that have been worked out between the  
15 community and St. Patrick's. This certainly leads to  
16 a much easier hearing. We wish that all proceedings  
17 work this well.

18 CHAIRPERSON GRIFFIS: Let's say that when  
19 it's over. Okay. Good.

20 MS. GATES: We're all here together and no  
21 one has on a flack jacket.

22 CHAIRPERSON GRIFFIS: That's good. That's  
23 good. Okay.

24 And we do have two exhibits from the ANC  
25 that are submitted. You don't have any other

1 additional submissions this morning at this time. Is  
2 that correct?

3 MS. GATES: Correct.

4 CHAIRPERSON GRIFFIS: Okay. We have  
5 Exhibit 51 and 83 if my notes are correct.

6 Very well. Let's move on down. Who do we  
7 have?

8 MR. HEBERT: My name is Jay Hebert, at  
9 1717 Foxhall Road, previously referred to as Herbert.

10 CHAIRPERSON GRIFFIS: I'm sorry.

11 MR. HEBERT: That's fine.

12 We have reached an agreement. We  
13 appreciate greatly the Friends of St. Patrick's and  
14 the school working with us in the neighborhoods in  
15 trying to resolve the issues that we faced a few  
16 months ago. We think we've reached very good  
17 agreements. They've been hard-fought and hard-  
18 negotiated and represent compromise on both sides.  
19 And we really greatly appreciate Friends of St.  
20 Patrick's and the school working with us.

21 I will say that our agreement is  
22 contingent upon DDOT support for the new Foxhall Road  
23 configuration you'll see today. And the letter that  
24 we received to date is a little bit ambiguous as to  
25 what DDOT's no objection is in respect of.



1                   So, assuming that DDOT confirms what we  
2 believe they're going to confirm, we will be  
3 withdrawing as a party in opposition.

4                   CHAIRPERSON GRIFFIS: Okay. So, at this  
5 point you haven't confirmed that your position has  
6 changed in terms of your standing or rather in terms  
7 of your case presentation?

8                   MR. HEBERT: I can't confirm until I hear  
9 DDOT testify.

10                  CHAIRPERSON GRIFFIS: Sure.

11                  MR. HEBERT: I can't confirm it. But --

12                  CHAIRPERSON GRIFFIS: And you have an  
13 agreement.

14                  MR. HEBERT: -- I have no reason to  
15 believe that DDOT is going to say something other than  
16 what we expect them to say in which I'm going to shout  
17 hallelujah and --

18                  CHAIRPERSON GRIFFIS: Understood.

19                  MR. HEBERT: -- withdraw as a party in  
20 opposition.

21                  CHAIRPERSON GRIFFIS: Okay.

22                  MR. HEBERT: And ask to be listed as a  
23 party in support.

24                  CHAIRPERSON GRIFFIS: Okay. And your  
25 agreement that has been struck between the Applicant

1       and yourself, contingent on that DDOT is something  
2       that has its own standing outside of what we do. Is  
3       that correct?

4                   MR. HEBERT:    Yes.    It is a contract so  
5       that's correct.

6                   CHAIRPERSON GRIFFIS:    Okay.    Very well.  
7       Thank you.

8                   So,   conceivably after you hear the  
9       presentation of DDOT's agency report, you would not be  
10      presenting a case. Is that my understanding?

11                   MR. HEBERT:    Yes, sir.

12                   CHAIRPERSON GRIFFIS:    Okay.

13                   MR. HEBERT:    That's correct.

14                   CHAIRPERSON GRIFFIS:    Very well.    Yes.

15                   MR. LYLE:    My name is Edward Lyle. I live  
16      at 1805 45<sup>th</sup> Street, Northwest, in Washington, D.C. I  
17      am the Vice President of the Colony Hill Neighborhood  
18      Association.

19                   CHAIRPERSON GRIFFIS:    Excellent.

20                   MR.    LYLE:           And   here   as   their  
21      representative today.

22                   As Mr. Feola has reflected, we have had  
23      extensive negotiations as has Mr. Hebert and the other  
24      parties with the Applicant in this case and that has  
25      brought about certain changes which Mr. Feola has

1       asked to be admitted here at least in terms of the  
2       application.

3               And in light of that, we would like to  
4       change our position from a party in opposition to a  
5       party in support, based on the agreements that we have  
6       reached.

7               I also, on behalf of the Colony Hill  
8       Neighborhood Association would like to thank the  
9       Applicant. We've had very extensive negotiations and  
10      they have been willing to discuss with us everything  
11      that we wanted to put on the table and been very  
12      cooperative in that way.

13              CHAIRPERSON GRIFFIS: Excellent.

14              MR. LYLE: And on the whole, it's been a  
15      very good experience and I think we've reached good  
16      agreements.

17              CHAIRPERSON GRIFFIS: Good. Well, thank  
18      you very much. I appreciate that.

19              And do you have any other filings that are  
20      coming in today then?

21              MR. LYLE: No, sir. We will not be  
22      putting on a case.

23              CHAIRPERSON GRIFFIS: Excellent. Okay.

24              Yes.

25              MR. FORRER: My name is John Forrer. I

1 live at 1714 Hoban Road, Northwest.

2 I can simply second what has been said by  
3 Mr. Lyle. I too have been extremely pleased with the  
4 manner in which, sometimes difficult and contentious  
5 negotiations were handled by both sides. And I am  
6 very pleased to say that I am with the amendments that  
7 are submitted this morning, am happy to change from a  
8 party in opposition to a party in support of the  
9 agreement.

10 CHAIRPERSON GRIFFIS: Good.

11 MR. FORRER: I will not be making any  
12 presentation, although I will reserve the right to ask  
13 questions if the Board should raise issues.

14 CHAIRPERSON GRIFFIS: Good. Okay.  
15 Excellent. Thank you very much.

16 I believe that goes through our parties in  
17 the ANC.

18 Anything else then? Very well. I think  
19 this is excellent. Obviously, an awful lot of work  
20 has happened outside of our hearings. And so it's  
21 just left up to us to do our job. Well, there it is.

22 There's an awful lot that we have to get through  
23 obviously.

24 I think it's very important and I'll just  
25 take a brief moment just to state that I think it's

1       excellent to come in with support having had worked  
2       and addressed certain issues. Be it very clear, of  
3       course, that any application that comes before us be  
4       it a special exception or a variance, is not based on  
5       how much popularity one brings or how many people it  
6       stacks the hearing room with. But rather we look at  
7       either in support and in opposition, I think the  
8       substantive elements that are brought. My meaning is  
9       this. You may have 100 people in support and one in  
10      opposition and that one person's opposition may have  
11      such great substance that it would be key to our  
12      decision and to the basis of our decision. And so I  
13      thin kit's excellent that the substantive work has  
14      happened in this particular case. And now we need to  
15      look at all of that in terms of the criterion with the  
16      issues and the elements of the zoning requirements in  
17      order for us to move forward.

18               It is obviously very important not to be  
19      redundant to make sure that those people that are  
20      surrounding an Applicant and surrounding the area have  
21      their elements and issues addressed. And I think it's  
22      been done successfully from what I understand.

23               So, with that, let's move ahead unless  
24      there's any questions or clarification of the Board  
25      members of anybody else? Yes, Ms. Haas?

1 MS. HAAS: Would you like our addresses?

2 CHAIRPERSON GRIFFIS: Your addresses?

3 MS. HAAS: Right.

4 CHAIRPERSON GRIFFIS: No. I think we're  
5 okay.

6 MS. HAAS: Okay.

7 CHAIRPERSON GRIFFIS: Excellent. Very  
8 well.

9 COMMISSIONER PARSONS: Mr. Chairman?

10 CHAIRPERSON GRIFFIS: Yes. Mr. Parsons.

11 COMMISSIONER PARSONS: I want to make sure  
12 I'm not confused. You all talk of an agreement. Mr.  
13 Feola has submitted something called an Operations  
14 Plan. Is this something you have become signatories  
15 to or you just reviewed it and are happy with it  
16 waiting for DDOT?

17 This is the documents you're talking  
18 about?

19 MR. FORRER: Speaking for myself, sir, we  
20 have an agreement to which the Operations Plan is an  
21 exhibit. The Operations Plan to which we agreed is  
22 remarkably similar to that one, not quite identical.

23 CHAIRPERSON GRIFFIS: But you have a  
24 separate document that went between you and the  
25 Applicant in which you're signatories.

1 MR. FORRER: Yes, sir.

2 CHAIRPERSON GRIFFIS: That's right. So,  
3 we won't necessarily see --

4 COMMISSIONER PARSONS: No. I understand.

5 CHAIRPERSON GRIFFIS: Okay.

6 COMMISSIONER PARSONS: But I just want to  
7 make sure we're all talking about this June 6<sup>th</sup>  
8 document.

9 MR. FORRER: Right. I think that one of  
10 the other sets of documents that's referred to were  
11 the architectural control documents, homeowner  
12 association documents and so forth.

13 COMMISSIONER PARSONS: Yes.

14 MR. FORRER: That Mr. Feola was  
15 referencing earlier.

16 COMMISSIONER PARSONS: All right. Thank  
17 you.

18 CHAIRPERSON GRIFFIS: Excellent. So, we  
19 have the HOA and the Operations. Okay.

20 Anything else? Good. Thank you all very  
21 much. We'll hear the Applicant's openings and their  
22 case.

23 Obviously, I will still call, as you're  
24 still parties in this case. I'll call your forward  
25 for cross examination if you would like. And also for

1 presentation of case as we get into that time.

2 However, first, whenever you're ready.

3 MR. FEOLA: Thank you, Mr. Chair. And  
4 again for the record, Phil Feola of Pillsbury  
5 Winthrop Shaw Pittman on behalf of the Applicant.

6 As the Chair correctly pointed out, this  
7 is an application for two special exceptions on a 17.3  
8 acre tract of land that is in the R-1B zone district  
9 at 1801 Foxhall Road.

10 And I have to say kind of as an editorial  
11 antidote if you will that in almost 27/28 years I've  
12 been before this body I've really not been part of an  
13 application that has been so thoroughly, thoughtfully  
14 evaluated by a whole team of professionals. Most of  
15 them are in the room. Hopefully, some of whom you  
16 won't have to hear from. But we've done wetland  
17 studies and environmental assessments, archeological  
18 phase 1 analysis. The team has had hydrologist and  
19 wetland specialists and storm water management  
20 specialists. And we've worked hard, we think, with  
21 the city agencies, the National Park Service and the  
22 community to try to come to a balance of how to  
23 develop this rather unique piece of property in D.C.

24 And I have to say virtually every  
25 discipline that we've had and we've evaluated we've



1 had peer reviews. So that we are comfortable that  
2 what we present to you tonight or this afternoon or  
3 this morning, rather, is solid in a sense of having  
4 been looked at by a whole set of other eyes to make  
5 sure that it's okay.

6 The application is really for three large  
7 theoretical lots. The first is for a 7.72 acre lot  
8 for an independent school, a private school, that we  
9 hope to house 440 students with 100 faculty and staff.  
10 It's a middle school of 120 kids plus or minus and an  
11 upper school of 320, a high school of 320.

12 We are proposing as I indicated before a  
13 second lot, 8.1 acre lot for a theoretical subdivision  
14 upon which there will be 18 theoretical lot homes and  
15 nine matter-of-right homes that front on Hoban Road as  
16 you'll hear in a second. And a third lot of a 1.53  
17 acre open space that is you'll hear part of our  
18 environmental analysis of the site.

19 So, what we hope to prove this morning is  
20 a test under 206, which is the private school special  
21 exception that there will be no adverse impact caused  
22 by the school because of noise, traffic, number of  
23 students and other potential objectionable conditions.  
24 And under a theoretical subdivision under 2516 that  
25 we meet all the tests and standards in the zoning

1 regulations for that test.

2 I'd like to say a couple of things about  
3 how we anticipate effectuating this development if  
4 we're lucky enough to get it approved by this Board.

5 This is a big undertaking. The fact that  
6 there is 17 acres that need to be graded and utilities  
7 put in and the like, it's going to take some time. We  
8 expect that the residential development will go  
9 forward fairly quickly if this Board were to approve  
10 it and through the normal permitting process. And so  
11 we're looking at the school probably starting a little  
12 bit later than the residential development because the  
13 school has to do a lot of things including raising  
14 money to accommodate the concerns.

15 So, we're going to ask the Board that it  
16 allow a phasing of this development probably over the  
17 space of five or seven years to allow the completion  
18 of the entirety of the development.

19 For example, we would anticipate that  
20 maybe the first phase of the school wouldn't include  
21 the auditorium, which is something that we would love  
22 to have, but may not have the funds to do. So, you're  
23 going to hear some discussion about that through out  
24 witnesses.

25 What we present in direct, really we only

1       have a handful of witnesses that represent just a  
2       piece of our expertise on developing this site. And  
3       we're going to ask Mr. John Delaney, who is a  
4       representative of the owner who put this property  
5       together. Peter Barrett who is the head of St.  
6       Patrick's -- current St. Patrick's school. Alan Ward  
7       from Sasaki Associates and Anthony Barnes from Barnes  
8       Vance Associates to explain how the site has been  
9       organized and some of the land-use issues. Marty  
10      Wells is going to give us an overview of the traffic  
11      impact and Terry Armstrong is going to talk about the  
12      school Operations Plan which we have just enhanced and  
13      turned in.

14                       So, with that, I'd like to ask Mr. Delaney  
15      -- and if we might could have the lights, it might be  
16      -- because we're going to use the PowerPoint if that's  
17      okay.

18                      CHAIRPERSON GRIFFIS: Good. Ms. Bailey,  
19      if you wouldn't mind, we can dim the lights.

20                      MR. DELANEY: Thanks, Phil.

21                      My name is John Delaney. I am one of the  
22      co-managing members of the Friends of St. Patrick's,  
23      which as you know is one of the applicants here today.  
24      And I was also the immediate past chair of the Board  
25      of Trustees of St. Patrick's Episcopal Day School, the

1       other Applicant here today.

2                   I recently concluded a two-year term as  
3       chairman of the board of St. Patrick's and I served  
4       seven years on that board as a parent volunteer.

5                   I have two children in the school now and  
6       my third child, my oldest, graduated from the school  
7       last year.

8                   My remarks are introductory in nature,  
9       which means they're brief.   And I intend to really  
10      discuss two things.

11                  First, the history of this property.   In  
12      other words, to try to answer the question, why are we  
13      here?   And then the second thing I'd like to share  
14      with you is some of the goals that we set for  
15      ourselves when we began this project and explain to  
16      you how we believe we've met these goals which I think  
17      sets the stage for my colleagues who will go a much  
18      deeper dive as to the features and attributes of the  
19      project.

20                  So, let's start with the history.

21                  It all started with a woman named Betty  
22      Brown Casey who in 2001 acquired this property from  
23      the Brady Estate who had owned the property obviously  
24      for several years.   And her plan with this property  
25      was to build a mansion on it and give the land and

1       this mansion to the City of Washington for residents  
2       of the District of Columbia. I suspect most of you  
3       are familiar with this story.

4               By 2003, after some realization that that  
5       plan wasn't going so well, she decided to sell the  
6       property and she didn't sell the property the way most  
7       people sell properties which is to put a for sale sign  
8       on it. She decided to hold an auction. And the terms  
9       of that auction were fairly specific. You had a short  
10      time frame to submit a bid. The minimum price for the  
11      property was set at \$25 million. If you didn't want  
12      to pay that amount of money, you shouldn't submit an  
13      offer. And then she also wanted to know what you plan  
14      on doing with the property.

15             So, at the time, this is the end of 2003,  
16      early 2004. I was the vice chair of the board of St.  
17      Patrick's and my friend and colleague Katherine  
18      Bradley, who is the other co-managing members of the  
19      Friends of St. Patrick's with me, was the chair of the  
20      Board of Trustees.

21             And during Katherine's term as chair, we  
22      had successfully expanded to a seventh and eighth  
23      program with a clear eye that we should ultimately,  
24      the school should go through grade 12. But that  
25      decision would be largely dependent upon finding the

1 right piece of property.

2 And so I think Katherine and I together  
3 with other leaders in the school made a decision that  
4 this was too good of an opportunity to pass up, that  
5 as fiduciaries of the institution, an institution we  
6 obviously care deeply about, that we needed to seize  
7 this opportunity and acquire this property for the  
8 school.

9 The probably was really two problems.  
10 Number one, the property is 17 acres and we didn't  
11 need all that property. And number two, the minimum  
12 price was beyond the schools financial means at the  
13 time and was also in excess of what parent donors were  
14 willing to give to the school to acquire the land.  
15 And Mrs. Casey wasn't interested in selling a part of  
16 the property.

17 So, we made the decision that what we  
18 would do is put together a group of parents, initially  
19 the Bradley and the Delaney family, and then joined by  
20 other families at the school and we formed this entity  
21 called Friends of St. Patrick's. And the goal of  
22 Friends of St. Patrick's was to pool some donations  
23 that we planned on making, borrow some money, buy the  
24 property, figure out how much should be used for the  
25 school, how much we should sell, give the part that we

1 thought appropriate to the school to the school and  
2 then sell the remaining parcel for residential use.  
3 In effect, we were bridging this land for the school.

4 We submitted our bid and we won. There  
5 were 17 bids submitted, I think was the number. And  
6 it's our sense, we don't know this for sure, that the  
7 other bidders were all residential developers who were  
8 proposing some residential development at a density  
9 greater than we're proposing here today.

10 And so that was kind of step one. Step  
11 two was to determine what to do with the property.  
12 And as Phil indicated we put together a large, kind of  
13 multi-disciplinary team of experts. You'll hear from  
14 many of them today to analyze this. And the result of  
15 that work is what you see before you here today. I  
16 tend to think of it even though it's three parcels, I  
17 tend to think of it as two parcels, a school parcel  
18 and a residential parcel.

19 We gifted the school parcel to the school.

20 And then in September of 2005, we filed the  
21 application you see before you here today.

22 And I can say that that application was  
23 certainly the result of thousands of hours of work in  
24 its preparation and analysis and I would say prior to  
25 filing that application and then after filing that

1 application, we have engaged in a comprehensive and  
2 very significant outreach effort, not only dealing  
3 with all the city agencies, but also spending time  
4 with all of the kind of required steps that you would  
5 take in reaching out to neighbors both in large groups  
6 and small groups.

7 We also set for ourselves a fairly high  
8 standard for transparency and we established a  
9 website, 1801foxhallroad.com where we would post all  
10 the relevant information about the property so that  
11 any interested stakeholder would have an opportunity  
12 to see what we're doing.

13 And so that's how we arrive here today.  
14 That's the history of this project from when we became  
15 involved with it.

16 The goals of the projects, there are  
17 really two stakeholders in this project. There's the  
18 school and then there's the Friends of St. Patrick's.  
19 The goals for the school, and Peter will obviously go  
20 much deeper on this than I will, but the goals of the  
21 school I would say were really twofold. Number one,  
22 to design a campus that would be appropriate for a  
23 middle and high school -- what will also be the only  
24 co-educational Episcopal high school in the City of  
25 Washington.



1                   And the other goal for the school was to  
2     design a project and then ultimately operate a project  
3     or a school that will have minimal impact with the  
4     neighborhood, consistent with our track record of  
5     being a good neighbor, which I think has been well-  
6     documented.

7                   The goals for the Friends of St. Patrick's  
8     were similarly straightforward. We wanted to come up  
9     with a plan, a low-impact residential plan, that would  
10    meet our financial objectives for this project. And  
11    our financial objectives for this project were  
12    relatively modest. We had borrowed some money to buy  
13    the land. We were only interested in paying off that  
14    debt. There was no profit motivation at all, no  
15    family involved in this project who were receiving any  
16    proceeds. The Friends of St. Patrick's was  
17    established specifically for a charitable intent. And  
18    so I think that's always been a positive attribute of  
19    this project in that the people that the various  
20    neighbors have been dealing with they've never had a  
21    for profit orientation. And so we've sought a density  
22    that just got us to a level that satisfied this  
23    financial objective we have and no further.

24                  And then the final goal of the Friends of  
25    St. Patrick's was to identify a partner, a residential

1 development partner, that was both very experienced  
2 and had a reputation for quality and integrity and we  
3 believe we found that in Elm Street Development.

4 And so as we sit here today, we believe  
5 we've achieved all these goals. We believe this  
6 project meets or exceeds all of the standards set  
7 forth in the zoning regulations. We're obviously very  
8 pleased that the ANC supports this project. And we  
9 thank the ANC for all of their work. It was certainly  
10 a detailed and thorough ANC process and I think it  
11 helped make it a better project. And I think the ANC  
12 thoughts to some extent are summarized in a quote that  
13 appeared in the Northwest Current that was one of the  
14 ANC members where they said, I think a school and St.  
15 Patrick's in particular, will be an asset to the  
16 community. This is a school that has an excellent  
17 reputation, both academically and within the  
18 community. That really means something. So,  
19 obviously very pleased and very proud about that.

20 We are proud of this project. We think  
21 we're doing good work here. We obviously care deeply  
22 for this school and we think we're helping establish  
23 it's missing or allowing it to carry out its mission  
24 on a larger scale across the next many years.

25 We're also proud of this project. We

1 believe when we pass this project as it unfolds across  
2 the next several years, we'll be able to hold our head  
3 high and point to it and say we were part of that and  
4 be proud of that. And we're also proud obviously, and  
5 you heard these comments at the beginning of today's  
6 session, and it's obviously most relevant for today,  
7 that the parties that filed in opposition are now  
8 supportive of this project. And I think that not only  
9 speaks very well for our team and the commitment they  
10 made to satisfy these concerns, but it obviously  
11 speaks very well of those parties who approached this  
12 in a constructive and productive manner. And I think  
13 we've all ended up with a better project as a result  
14 of it.

15 So, those are all my comments and I'd like  
16 to now turn it over to Peter.

17 MR. BARRETT: Excellent. Thank you.

18 Thank you, John. Good morning. My name  
19 is Peter Barrett. I'm head of school at St. Patrick's  
20 Episcopal Day School.

21 In the 2006/2007 school year, St.  
22 Patrick's Episcopal Day School will celebrate its 50<sup>th</sup>  
23 Anniversary, a half century of providing a superb  
24 nursery and elementary school and more recently middle  
25 school education for the children of the District of

1 Columbia and its suburbs.

2 St. Patrick's Episcopal Church itself, the  
3 parish that brought the school to life as a nursery  
4 school in 1956, has been part of the Foxhall and  
5 Palisades section of the District for more than 90  
6 years, beginning in a small red brick chapel across  
7 from Grenich Parkway on Foxhall Road.

8 Close to 30 years ago, the day school  
9 moved to the current site of its main campus at 4700  
10 White Haven Parkway where the nursery school and the  
11 church joined it eight years later. The day school  
12 began adding elementary grades in 1967, graduated its  
13 first sixth grade class in 1974 and has now graduated  
14 33 such classes.

15 In September 2001, the day school  
16 inaugurated its grade seven and eight program near by  
17 on MacArthur Boulevard, graduated its first grade  
18 eight class in 2003 and has now graduated four such  
19 classes.

20 In full, the day school educates  
21 approximately 480 students. Four hundred and forty on  
22 the White Haven campus and 40 on the MacArthur campus.

23 St. Patrick's episcopal Day School has  
24 been located in and committed to the Foxhall/Palisades  
25 community for decades. We have educated the children

1 of that community, enabled them to share our  
2 classrooms with children from neighborhoods throughout  
3 the District of Columbia, as well as from suburban  
4 Maryland and Northern Virginia and looked well beyond  
5 those classrooms as we have cultivated grateful hearts  
6 and habits of service among our students, parents and  
7 teachers in serving the various communities of which  
8 we are a part.

9           When the Day School Board of Trustees and  
10 church vestry approved the creation of a grade 7 and 8  
11 program to open in the fall of 2001, they also  
12 committed themselves to a study of the possibility of  
13 establishing a program for grades 9 through 12, which  
14 we have pursued across the last five years. There is  
15 no co-educational Episcopal secondary school option  
16 located in the nation's capital, a city that would  
17 benefit from another strong, independent high school  
18 of any sort. But particularly, I would suggest, an  
19 Episcopal high school that would extend a long  
20 tradition of providing a rigorous academic program for  
21 children of all races, creeds and cultural  
22 backgrounds. St. Patrick's Episcopal Day School is  
23 clearly the institution poised to create that  
24 educational option in the District of Columbia.

25           In considering the question of a St.

1 Patrick's high school, we have studied the  
2 demographics of the greater Washington area, run a  
3 range of financial models and looked at a number of  
4 pieces of real estate, all of them located in the  
5 District of Columbia, given our deep commitment to the  
6 city which has been our home for half a century and to  
7 the city's children and families.

8 For much of the 2005/2006 academic year I  
9 was on sabbatical in part to visit independent high  
10 schools across the country to learn more about the  
11 best practices that shape these institutions.

12 During my sabbatical I visited more than  
13 20 high school, including long-established schools, as  
14 well as schools that have only recently added  
15 secondary school programs or are adding them now.

16 Our goal is to create an exceptional,  
17 academically rigorous college preparatory program that  
18 has to equal any high school now located in the  
19 Washington area, home of some of the finest schools in  
20 the country, all in the context of the kind of balance  
21 and thoughtfulness that characterize St. Patrick's  
22 program for students in nursery through grade 8.

23 We were exceedingly fortunate during the  
24 period of our high school study to have the property  
25 at 1801 Foxhall Road become available twice and

1 realized that we couldn't pass on it the second time  
2 around. Of course, we could only have made that  
3 realization with the generosity of the group of  
4 parents callings themselves the Friends of St.  
5 Patrick's Episcopal Day School, an astounding  
6 demonstration of support for the day school program  
7 and commitment to extending that program through the  
8 high school years.

9 Located just a short walk from the main  
10 White Haven campus, the beautiful property at 1801  
11 Foxhall Road would allow us to serve our children and  
12 families most effectively across their years of  
13 schooling on two distinct, yet nearby campuses, each  
14 tailored to the specific intellectual and academic,  
15 social and emotional, moral and spiritual and physical  
16 needs of the age groups that call it their school  
17 home.

18 One important consideration in this  
19 hearing is the number of students proposed by St.  
20 Patrick's for the campus at 1801 Foxhall Road. We are  
21 seeking a school size of 440 for grades 7 through 12.

22 I would like to set that requested school size into  
23 some reasonable context.

24 First, you may know that high school  
25 reform is a hot topic these days. Discussion of high

1 school reform quickly intersects with the literature  
2 concerning the effectiveness of small schools, so that  
3 much of the focus is on creating new, small high  
4 schools or breaking of existing high school into  
5 smaller components.

6           The Bill and Melinda Gates Foundation is  
7 the most significant private supporter of small public  
8 high school projects. In a 2002 article, the  
9 executive director of the foundation's educational  
10 initiative states "Researchers vary in how they define  
11 small schools, but what we've seen, high schools with  
12 no more than 100 students per grade level create the  
13 kind of rich learning environment that leads to  
14 success."

15           St. Patrick's proposes a high school 320  
16 students, 80 per grade, by any measure a small school.  
17 We arrive at the 440 with 120 students, 60 per grade,  
18 in grades 7 and 8.

19           Second, looking at the Washington area  
20 independent schools that St. Patrick's graduates have  
21 been attending, we see an average high school size of  
22 349 students, almost 30 students more than St.  
23 Patrick's is proposing. The kinds of high school  
24 programs in which our families and students have been  
25 most interested then tend to be larger on average than



1 St. Patrick's has proposed, not smaller.

2 And I might note, we deliberately omitted  
3 from the close to 20 schools we looked at, two schools  
4 to which some of our graduates have only recently  
5 moved on, the roughly 900 student Gonzaga and 1,100  
6 student St. John's, so as not to skew the numbers.

7 Third, and this point is related to the  
8 previous point. It's important to recognize an  
9 inextricable link between size of school and the depth  
10 and breadth of the educational program that school can  
11 offer.

12 An educational program of the depth and  
13 breath that St. Patrick's envisions on the Foxhall  
14 Road campus requires a certain enrollment, certainly  
15 more than 300, to support the range of courses in the  
16 humanities and languages and the sciences and  
17 mathematics and in athletics.

18 I have one final point.

19 The grades 4, 5 and 6 classes on St.  
20 Patrick's White Haven campus, which represent the  
21 leading edge headed for the Foxhall Campus average  
22 roughly 50 students per grade. Over time, we intend  
23 to keep all the St. Patrick's students which must  
24 attend other schools, as well as build in some modest  
25 growth as virtually every comparable school does from

1 grade 6 to grade 7 and/or from grade 8 to grade 9, so  
2 that we can also welcome Washington area students  
3 whose families have chosen to wait until middle and  
4 high school to attend independent schools.

5 Even more important that modest growth  
6 from grade 6 to grade 7 and grade 8 to grade 9 would  
7 enable St. Patrick's to achieve an even greater  
8 measure of diversity drawn from a wider area within  
9 the District of Columbia as families look further  
10 beyond their neighborhoods from middle school and high  
11 school choices for their growing children.

12 Approving St. Patrick's at a size smaller  
13 than proposed would require us to put out or send  
14 elsewhere students who are already with us, rather  
15 than allowing them to continue in the place in which  
16 they have thrived for many years. And not allow us to  
17 build in some modest growth in enrollment as virtually  
18 every other school does from grade 6 to grade 7 and  
19 grade 8 to grade 9 and prevent us from achieving a  
20 greater measure of diversity that modest growth would  
21 enable. Therefore, we seek approval of a school size  
22 of 440 students on the Foxhall campus, 320 in the high  
23 school and 120 in the middle school.

24 That concludes my remarks. Thank you.

25 CHAIRPERSON GRIFFIS: Excellent. Thank

1       you very much.

2                   A lot of good points and very substantive.

3       A quick question on the enrollment. You were saying  
4       that you're what sixth and seventh or your seventh and  
5       eighth enrollment number is going to be larger than  
6       the grades below. Is that correct?

7                   MR. BARRETT: Yes.

8                   CHAIRPERSON GRIFFIS: So, if I understood  
9       your last comment, it's in order to bring in let's say  
10      new blood --

11                  MR. BARRETT: Yes.

12                  CHAIRPERSON GRIFFIS: -- to the school?  
13      And you said that most schools do that?

14                  MR. BARRETT: Yes. Virtually, every  
15      comparable school grows from grade 6 to grade 7 and/or  
16      from grade 8 to grade 9.

17                  CHAIRPERSON GRIFFIS: Excellent.  
18      Excellent.

19                  I noticed in your opening also as part of  
20      your other processes on seventh and eighth and the  
21      outgrowth of, I guess, the Board, in establishing  
22      seventh and eighth was to look at the future where we  
23      are now --

24                  MR. BARRETT: Yes.

25                  CHAIRPERSON GRIFFIS: -- going into the

1 high school level. Obviously, we're familiar with  
2 other applications for those levels.

3 What's happening with those other  
4 facilities then as this progresses?

5 MR. BARRETT: The current grades 7 and 8  
6 campus, is that what you refer to?

7 CHAIRPERSON GRIFFIS: Correct.

8 MR. BARRETT: We would no longer have use  
9 for that and we would anticipate that we would sell  
10 that property --

11 CHAIRPERSON GRIFFIS: Okay.

12 MR. BARRETT: -- once the move is made to  
13 the Foxhall campus.

14 CHAIRPERSON GRIFFIS: So, right now the  
15 plan is, of course, that all those students would be  
16 incorporated into this facility.

17 MR. BARRETT: That's correct.

18 CHAIRPERSON GRIFFIS: Does it make any  
19 sense to even keep that as another facility for  
20 classes or any other --

21 MR. BARRETT: No.

22 CHAIRPERSON GRIFFIS: -- sort of other  
23 use?

24 MR. BARRETT: No. It's a half mile in the  
25 other direction. That is, a half mile from our main

1 campus.

2 CHAIRPERSON GRIFFIS: Sure.

3 MR. BARRETT: And so it makes little sense  
4 to us to maintain that property for school use.

5 CHAIRPERSON GRIFFIS: Excellent. Thank  
6 you very much. It's excellent points in opening.

7 And lastly, you made a comment which I  
8 think goes directly to what Mr. Delaney was saying.  
9 It's an incredible and impressive commitment but  
10 you've obviously been able to garner with all the  
11 folks that are pulling this together.

12 But that's all I have at this point,  
13 unless there are any other quick questions from the  
14 Board, let's move ahead.

15 MR. WARD: I'm Alan Ward. I'm a principal  
16 at Sasaki Associates. We are planner, landscape  
17 architects based in Watertown, Massachusetts. And  
18 we've initiated the planning concepts for the site,  
19 working with Barnes Vance Architects.

20 The site is located -- maybe we should dim  
21 the lights please.

22 CHAIRPERSON GRIFFIS: Thank you, Ms.  
23 Bailey.

24 MR. WARD: The site is located east of  
25 Foxhall Road shown here. There's parkland to both the

1 east, the Glover Archibald Park and Whitehaven Park to  
2 the north. The existing St. Patrick's and lower  
3 school is to the west and to the north. The Reservoir  
4 is to the south.

5 CHAIRPERSON GRIFFIS: Good. Before we go  
6 too far on this two points.

7 First of all, is this document in the  
8 record at this point? Do we have anything that we can  
9 pull up close?

10 The other is obviously all this is going  
11 to be submitted into the record. Is that correct?

12 MR. WARD: Yes. That's correct.

13 CHAIRPERSON GRIFFIS: Okay. Do we have  
14 this aerial?

15 MR. BARRETT: We do not have this one.

16 CHAIRPERSON GRIFFIS: Okay.

17 MR. WARD: This aerial is not in yet.

18 CHAIRPERSON GRIFFIS: Go ahead.

19 MR. WARD: One of the key issues in the  
20 development of this site is how to fit the school and  
21 the residential into the distinctive topography. And  
22 there's a significant slop from the west to the east  
23 on this site. So, as part of our planning process we  
24 looked at other residential neighborhoods, single  
25 family neighborhoods in this part of the District,

1       such as Valley Spring, Wesley Heights to the north,  
2       Colony Hill to the south, to learn some examples about  
3       how to fit the residential into the topography of the  
4       site.

5                   CHAIRPERSON GRIFFIS:     Okay.     This is  
6       mostly looking at the theoretical lots and how you  
7       would look to utilize the specific slope of this site?

8                   MR. WARD:   That's right.

9                   CHAIRPERSON GRIFFIS:   And contextually how  
10      it's done elsewhere?

11                  MR. WARD:   That's correct.

12                  These other neighborhoods show graceful,  
13      curving walls to accommodate the slope. Many of those  
14      principles have been applied to how to fit the  
15      residential as well as the academic buildings onto  
16      this site.

17                  CHAIRPERSON GRIFFIS:     Okay.     And the  
18      numbers on that diagram are the different  
19      neighborhoods that you looked at?

20                  MR. WARD:     Those are the different  
21      neighborhoods that were looked at as kind of  
22      precedents for this particular size.

23                  CHAIRPERSON GRIFFIS:   Okay.   Do you know  
24      what the neighborhoods are or are you going to get to  
25      that?

1                   MR. WARD:   It was Valley Springs, Wesley  
2                   Heights to the north.   Spring Valley, Wesley Heights  
3                   to the north and there is a couple -- Colony Hill to  
4                   the south.

5                   CHAIRPERSON GRIFFIS:   Okay.

6                   MR. WARD:   The site itself slopes from the  
7                   west to the east, but within that distinctive  
8                   topography, there are some important differences.  
9                   There are two areas of high ground, two ridges  
10                  outlined in red.   This is a rather simple and crude  
11                  diagram of these key features, but it summarizes the  
12                  kind of key features of the site.

13                  CHAIRPERSON GRIFFIS:   Yes.

14                  MR. WARD:   So, the high land is on this  
15                  ridge, a central ridge, where the existing house once  
16                  stood.   And another ridge to the north.   And there are  
17                  two valleys.   The more important of those valleys is a  
18                  central valley here.   It's actually quite beautiful.  
19                  We call it the Dell because there are existing trees,  
20                  black walnut, tulip popular, other native species.  
21                  Our sense is this land has not been modified.   It's  
22                  the original topography.   Perhaps it was used for  
23                  grazing and the topography hasn't been adjusted.   But  
24                  it's certainly worthy of preservation.   It's the most  
25                  beautiful feature of the site.



1                   The other valley to the south is land that  
2           is more gently sloping and it shows evidence of having  
3           been modified and adjusted for agricultural purposes,  
4           perhaps, and it's a zone which it doesn't really have  
5           either the vegetation or the topographic beauty of  
6           this central valley. This is an area that is suitable  
7           for development in our view.

8                   This is a photograph of that central  
9           valley, the Dell as we call it. There are some  
10          invasive species which are appearing here which could  
11          be simplified. It is quite a stunning, beautiful  
12          feature of the site, clearly worth of preservation as  
13          the central part of the open space.

14                  There a group of conifers which were  
15          planted as part of the house -- the previous house on  
16          the site, which we are preserving as part of the plans  
17          that are an integral part of the residential  
18          neighborhood.

19                  By preserving this central valley or Dell  
20          as we call it, there's an interesting larger open  
21          space pattern that emerges here. There's a  
22          counterpart to the north in this development, so you  
23          get kind of reciprocal relationship of a larger  
24          connected open space here. So, it has higher  
25          environmental value by having this larger connected

1 open space which leads down through Whitehaven Park  
2 and then to Glover Archibald Park.

3 This shows the plan developed in more  
4 detail with the 27 lots to the south. And as a land-  
5 use strategy, this becomes a logical extension in  
6 land-use terms of the Colony Hill neighborhood to the  
7 south.

8 The athletic field is shown in a portion  
9 of the site which is reasonably level which that kind  
10 of large area can fit with some modification of  
11 topography. That combined with the preserved central  
12 open space makes a larger central green area that then  
13 divides the residential from the campus to the north.

14 The campus is divided into several  
15 components. The upper school with its own quadrangle.

16 The middle school with another quadrangle. And then  
17 auditorium and gymnasium. This location, of course,  
18 has the closest proximity to the existing church and  
19 lower school.

20 So, from our point of view, the kind of  
21 planning framework which is defined here is really a  
22 logical outgrowth of the distinctive characteristics  
23 of the site. It preserves the best of the natural  
24 areas, the central Dell, locates the school where it  
25 has the proximity to the existing academic facilities

1       and church. And then the residential is located near  
2       the park and adjacent to an existing residential  
3       neighborhood.

4               Now, Anthony Barnes will describe each of  
5       these elements and many of the edge conditions which  
6       are so critical in more detail.

7               CHAIRPERSON GRIFFIS: Well, let me ask you  
8       because you are doing the big picture, the land  
9       planning, in terms in ingress and egress and  
10      circulation throughout.

11              Can you talk a little bit about why the  
12      decisions were made as they have been laid out here?

13              MR. WARD: Yes. We actually have a far  
14      more detailed presentation just on the access.

15              CHAIRPERSON GRIFFIS: Sure.

16              MR. WARD: It's quite a significant issue.  
17      But maybe just to simply that.

18              CHAIRPERSON GRIFFIS: Yes.

19              MR. WARD: I mean, one primary means of  
20      egress where it's possible and works best on Foxhall  
21      Road. The length of this route is partly due to the  
22      amount of stacking for pick up as required for the  
23      school, as well as just fitting that roadway  
24      circulation, providing emergency access.

25              CHAIRPERSON GRIFFIS: But in a single use

1       like the high school, it's not inappropriate to have  
2       a single ingress and egress?

3                   MR. WARD:  No.  It's not.

4                   CHAIRPERSON GRIFFIS:  Okay.  I understand  
5       that.

6                   Let's get to the residential which is  
7       perhaps more of a concern of mine.

8                   We have a single ingress and egress to all  
9       of the lots.  Is that correct?

10                  MR. WARD:  That's right.

11                  CHAIRPERSON GRIFFIS:  Okay.  Was there a  
12       decision that -- is there an opportunity to have more  
13       or why is there not an opportunity?

14                  MR. WARD:  In our judgment, this is  
15       adequate to serve this residential neighborhood.

16                  CHAIRPERSON GRIFFIS:  It's all well and  
17       good to be adequate, but here we are talking the big  
18       picture and plan.

19                  What were the other opportunities?  Are  
20       there any other opportunities?  Or are there  
21       opportunities that are not available because of --

22                  MR. WARD:  Well, there are limitations  
23       because of site lines and spacing of intersections on  
24       Foxhall Road, significant limitations.

25                  CHAIRPERSON GRIFFIS:  Okay.

1                   MR. BARNES:   Mr. Chairman, can I comment  
2                   on your question?

3                   CHAIRPERSON GRIFFIS:   Sure.

4                   MR. BARNES:       We did start off, Mr.  
5                   Chairman, with a second means of egress proposed onto  
6                   Foxhall Road, but the Department of Transportation in  
7                   a working meeting earlier on said they didn't feel it  
8                   was necessary. And it also became clear with further  
9                   study of the grades, it was virtually impossible to  
10                  make the grade up there. There's quite a bit of grade  
11                  change, probably 40 feet from there to the 45<sup>th</sup> Street  
12                  access. This is the extension of 45<sup>th</sup> Street here.  
13                  One might of contemplated a second entrance onto Hoban  
14                  Road but it was again more disruptive for this  
15                  neighborhood and the similar means of egress was  
16                  deemed to be perfectly sufficient for the Department  
17                  of Transportation.

18                  CHAIRPERSON GRIFFIS:   Okay. And going out  
19                  the other way, obviously, has its own complications.

20                  MR. BARNES:   Indeed. In going around the  
21                  school?

22                  CHAIRPERSON GRIFFIS:   Yes.

23                  MR. BARNES:   Something like that? Yes.  
24                  You'd have to cross the Dell with significant grade  
25                  change or something like that.

1 CHAIRPERSON GRIFFIS: Okay.

2 MR. BARNES: So, there's environmental  
3 damage here.

4 CHAIRPERSON GRIFFIS: Okay. Good.

5 What else?

6 MR. BARNES: Thank you. Anthony Barnes.  
7 Barnes Architects to residential and institutional  
8 work. We are very familiar with the site. We worked  
9 for awhile with Mrs. Casey early in her tenure here.  
10 We're delighted to work with St. Patrick's school and  
11 our colleagues who you'll see today developing the  
12 property.

13 I will just point out the little notes  
14 that you can barely read around the drawing are really  
15 just to illustrate that these diagrams, although  
16 consistent with what you have in your packet have been  
17 amended with a few of the changes that you heard about  
18 a little bit earlier from Mr. Feola. There really are  
19 five changes that I wish to point out.

20 Firstly, in this northeast corner,  
21 although this graphic currently shows four residential  
22 sites here, we have reduced that to three after  
23 discussions with its impact on the park with the  
24 National Park Service, so it reduces our total lot  
25 count to 27. It increases our average lot size to

1       10,363 square feet.

2                       Secondly, we had a series of grade changes  
3       that are right against the park where there are  
4       perimeter retaining walls and we have moved these back  
5       18 inches from the property line so that someone could  
6       get down there and maintain these over time during the  
7       life of the project once it's built.

8                       CHAIRPERSON GRIFFIS:   Do we have a graphic  
9       that's being submitted?

10                      MR. BARNES:    I will show you in more  
11       detail of that.

12                      CHAIRPERSON GRIFFIS:   Okay.   Good.   While  
13       I mark up this one, is it my understanding then Lot 11  
14       is going away?

15                      MR. BARNES:    I think we dropped Lot 13.   I  
16       will show in more detail an exhibit which has the lot  
17       numbers on it.

18                      CHAIRPERSON GRIFFIS:   Very well.

19                      MR. BARNES:    As part of my presentation.

20                      CHAIRPERSON GRIFFIS:   Okay.

21                      MR. BARNES:    The next point is that we  
22       were showing as part of our pedestrian circulation in  
23       here.   We have sidewalks on one side.   We have access  
24       into these alley systems.   And we actually had a  
25       series of stairs shown here to invite folks from the

1 neighborhood to walk in the park, those folks at the  
2 Park Service who deal with trail management and  
3 degradation of the park environment, so they would  
4 prefer us to not introduce any new trails into the  
5 park. So, we have, in fact, agreed to take that  
6 entrance suggestion off of the plan.

7           Also, in response to some comments from  
8 the National Park Service, we have a unique storm  
9 water management system below this field which was  
10 previously shedding its load directly after control  
11 and -- quality and quantity control into the Dell in  
12 the north here. There was a concern that in an  
13 extraordinary event, I think, a 250 storm was credited  
14 to us as a possibility that we would not want to be  
15 flooding this more sensitive and more fragile northern  
16 stream system. So, in fact, have now incorporated an  
17 overflow system that will share the overflow in  
18 extreme events to both the southern and northern  
19 drainage systems.

20           Then in response to some concerns from  
21 both the ANC and from some neighbors, there's been a  
22 change in Foxhall Road in the way that the traffic  
23 pattern moves so that there will now be unimpeded two-  
24 lane traffic possible at all times in both directions.

25           And we have added a small right turn lane



1       at this point here and we have made the blend from  
2       two-lanes to one lane that currently exists at the  
3       Whitehaven intersection. We have left it there as it  
4       exists today. This will be detailed a little bit later  
5       in the presentation.

6               I'm going to use the model to -- we've  
7       built a working model to actually study the site and  
8       come up together with solutions and to accommodate the  
9       ANC so they can see the pictures.

10              The site is divided into three sections.  
11       The parcel is 17.3 acres and we've decided that 7.72  
12       acres, this portion here that includes the field and  
13       the campus, is appropriately small but adequate for  
14       the school purposes.

15              The green space, the Dell that you've  
16       heard about, is 1.53 acres and then we have 8.05 acres  
17       left for the residential development over here.

18              As we rotate the model around, you can  
19       begin to see the challenges that go with the grade and  
20       just to be clear in all of these presentations, north  
21       is up towards Whitehaven Park here.

22              There's about 100 feet of fall from east  
23       to east as Alan mentioned earlier. There are these  
24       two drainage areas. There's the northern Dell and  
25       what we call the southern swale running down here

1       which feed existing stream systems in the National  
2       Park System.

3               The old mansion site is the raised area  
4       right in the middle here and we have introduced a loop  
5       road system that comes down and shows some frontage to  
6       the park and loops back up around using some of the  
7       old service road behind the mansion and gets back to  
8       45<sup>th</sup> Street here at Hoban Road.

9               As we now move around to the north side  
10       you can begin to see some of the considerable slopes  
11       that are a characteristic of the northern Dell. It's  
12       part of its beauty and it makes it challenging for  
13       development as well. So, this is, you know, one of  
14       the contributing reasons to us feeling that this  
15       should be kept open.

16              You can also see a really significant  
17       attribute of the current site as you drive up Foxhall  
18       Road. When you look to the right you can see all the  
19       way through to the park through the open space in the  
20       middle. And with the location of the field together  
21       with this Dell, that green view which will be  
22       maintained with a lot of these existing mature trees,  
23       the conifers and the other trees in the Dell, and the  
24       openness of the field itself will clearly be a view  
25       that's been preserved as you go up Foxhall Road. And

1 people have been used to this being a relatively open  
2 site all of this time.

3 The edges to the park in a couple of cases  
4 are very benign and beautiful like this which we would  
5 leave open and natural just as they are today. And  
6 other that are more challenging where terrain makes  
7 the development close to the park more challenging.

8 And what we've done again in consultation  
9 with Mr. Murphy of the National Park Service and other  
10 environment organizations like the Friends of  
11 Whitehaven Park is we're proposing a series of  
12 retaining walls. The one closest to the property line  
13 as I said would be no closer than 18 inches and it  
14 would be no higher than five feet so that this is  
15 something that can be planted and softened. Where  
16 grade changes call for a further grade change than  
17 five feet, we will have a planted slope bank and a  
18 second retaining wall further away.

19 I have some more details of that as we get  
20 further into the proposal.

21 Okay. Looking at the school design  
22 itself, the campus as Alan described is a fairly tight  
23 grouping of buildings, so that we do not use too much  
24 of the land. This, one of the two ridges was clearly  
25 a prime candidate for development. It is also closest

1 to the existing campus on this corner here. So, we  
2 have broken it into a building that would hold  
3 essentially the high school and the group of buildings  
4 that would hold a middle school behind it, each of  
5 which has a small courtyard or quadrangle. The two  
6 form together to make a greater urban space that I  
7 think will be very memorable core memory for the uses  
8 of the school and the children that go through there.

9 Our circular road loop to drop off the kids will  
10 actually pass through it, so it's an experience  
11 everyone one would have visiting the campus.

12 And then to further enliven this, our  
13 little performing art center is right here and we have  
14 a gymnasium at this corner. The gymnasium at its  
15 lower level, its basement level through vomitorium  
16 below the roadway, does give you direct access to the  
17 field.

18 And below this central campus we also have  
19 all of our parking. You notice there's no open  
20 parking structure here. We've made the commitment to  
21 go underground, more than 170 spaces which is quite a  
22 bit more than is required. There will be incidental  
23 parking along the road loop as well.

24 The character of the buildings themselves  
25 is going to somewhat referential to the existing

1 school and church complex down the road. It would be  
2 brick exteriors with cable walls, perhaps a limestone  
3 base, metal roofs, but a slightly cleaner, more  
4 contemporary take, but still a reference to the more  
5 traditional feeling of the architecture that exists  
6 down at that point.

7           We do have these two significant open  
8 spaces, one of which is the little courtyard here and  
9 the other one you can see there's a nature  
10 amphitheater that works with the grade on the site  
11 which makes a wonderful place for informal or formal  
12 gatherings at the school. And then we have a campus  
13 green which is a big green open space which is on the  
14 east side where the buildings essentially look out at  
15 the forest beyond. So, we have these really rather  
16 nice open spaces that are part and parcel to the  
17 school design.

18           We plan for the school to being  
19 environmentally friendly and efficient in the  
20 compactness of its plan. High performance buildings  
21 with low energy use, natural day lighting and so on.  
22 Clearly, one can't put the cart before the horse with  
23 a BZA hearing, but the planning of the scheme is open  
24 to this and it's the intention to move forward with  
25 this type of designing.

1                   Let me mention that we do comply with the  
2           zoning regulation in Section 206 for the school. From  
3           a noise point of view, the school buildings are 640  
4           feet from the existing neighbors to the south, about  
5           350 to a single neighbor on the north. More than 250  
6           feet from the German Ambassador's residence across  
7           Foxhall Road and from a noise point of view, it's also  
8           significant that we were able to tuck these buildings  
9           in and the field against the existing embankment of  
10          Foxhall Road moving noise away from those neighbors.

11                 From a traffic point of view, you'll see  
12          much more detail as we go, but we have widened Foxhall  
13          Road as necessary to deal with the needs of turning  
14          lanes and so on into the campus. We have the onsite  
15          car pool loop that you'll hear more about again which  
16          should keep stacked cars off of the public roadway.  
17          We've gone to an underground parking system to  
18          accommodate the number of students which will be very  
19          few who could drive and the staff members, visiting  
20          parents and so on. And these really support the  
21          smaller class size in this educational mission that  
22          was described by Peter Barrett. So, the school is not  
23          any bigger than we feel it needs to be to meet  
24          educational goals.

25                 Parking, as I mentioned, is ample and more

1       than is required, most of it below grade.

2                   And other conditions that really do meet  
3       the intent of the zoning is because the buildings have  
4       been integrated with the site tucked into the hill,  
5       kept in a fairly tight grouping over here is not the  
6       over-development of the site related to the buildings.

7       We have significant green set asides that are part of  
8       the planning for the school use.

9                   Now setbacks from the park which we take  
10      very seriously as a neighbor are at least 50 feet here  
11      with the school buildings.

12                  The storm water provisions are also beyond  
13      those required by the D.C. regulations.

14                  I'm now going to switch to the residential  
15      portion a little more.

16                  This is an extension of the existing  
17      zoning map which you're all familiar with. The  
18      property boundaries are shown in broken lines here and  
19      you can see the existing co-linear streets of the 41-  
20      home Colony Hill sub-development at this point here.

21                  In relationship to the park we do have two  
22      edges of the residential that abut the park and  
23      essentially are a little piece of private parkland if  
24      you will in the Dell on the north as well.

25                  So, we've tried to integrate the

1 residential section very tightly with the community  
2 that exists in Colony Hill and it is a very beautiful  
3 neighborhood that was well planned at the beginning.

4 Colony Hill, as you heard from Alan Ward  
5 earlier is one of those neighborhoods in Washington  
6 with substantial grade change and the Washington grid  
7 street system has been broken so that the road grades  
8 can more closely match the topography and make sense  
9 of it.

10 We have followed the same inspiration with  
11 the loop road that really works with the topography  
12 moving around from highland on the west to low land on  
13 the east at this point here.

14 In the Architect Horace Peaselee's  
15 original development plans for the Colony Hill  
16 neighborhood together with landscape architect Rose  
17 Greely, they had originally planned about a 70-house  
18 development in "early American and Georgian styles."  
19 And so we see this really as the completion of their  
20 plan with the addition of about 27 houses here.

21 As you look at our development plan, our  
22 intention to provide a new open garden neighborhood  
23 very much like the model neighborhoods that we have  
24 studied that are much admired in northwest Washington  
25 nearby. We will have sidewalks on at least one side.



1       There is no use of, you know, fences or gates or  
2       markers of the neighborhood of any kind.     It's  
3       essentially an open neighborhood.

4               We have consistent front yard setbacks and  
5       street scape taken as a goal here.     We have  
6       voluntarily extended the 15-foot building restriction  
7       line on Hoban road to 25 feet here.     And, of course,  
8       within the single family portion that's inside the  
9       lot, we're required to have a 25-foot front yard  
10      setback.     So, we plan to have this produce a nice  
11      consistent street scape which is one of the attributes  
12      of these older neighborhoods.

13              So, it might interest you that the setback  
14      on Hoban Road where we've voluntarily gone further  
15      back, means that the distance from our house fronts to  
16      those on Hoban road will be around about 110 feet  
17      which is actually the existing setback you see here  
18      across 45<sup>th</sup> Street that exists in the neighborhood.  
19      So, it makes for a fairly wide front yard street scape  
20      on both sides. In the 18 theoretical lot home sites  
21      we, of course, have a similar consistent street scape  
22      we should be able to provide as the loop road moves  
23      around.

24              We also comply with the Zoning Regulation  
25      section 2516 for the residential here.     This is an R-

1 1B district which means there's a 5,000 square foot  
2 minimum lot requirement with a 50-foot minimum width.

3 Our lot sizes go from a minimum of 7,600 roughly to  
4 18,500 in its largest. As I said earlier, an average  
5 of 10,363 square feet, which is a little more than 50  
6 percent of the allowed density. So, we're trying to  
7 make the density as low as possible.

8 Colony Hill out of interest averages about  
9 8,400 square feet. So, we're comparable bit a little  
10 bit lighter in density. Our lots sizes are bigger.

11 We do have less than 40 percent lot  
12 occupancy on the planned homes and we would observe  
13 the three-story maximum on story limit. We do provide  
14 25-foot rear yards, 8-foot side yards and 25-foot  
15 front yards throughout.

16 The private roads in the system are 28  
17 feet wide as planned, wider than the 25-foot minimum  
18 requirement that's comprising two 10-foot travel lanes  
19 and an 8-foot parking lane on one side.

20 The loop road accommodates the needs of  
21 emergency vehicles to turn around. Clearly we don't  
22 need a cul-de-sac because emergency vehicles are able  
23 to run around the loop if they then need to leave the  
24 development in a hurry.

25 We feel there's no adverse effect on the

1 neighborhood because of our modest density, our low  
2 traffic impact and the pocket parks and other  
3 amenities that we offer within the development. So,  
4 let me highlight those for you.

5           You've heard about the Dell which is on  
6 this side over here. But we have other areas which  
7 are set aside that are not uniquely part of any lot.  
8 The conifers that Alan Ward mentioned here, some of  
9 those trees are way over 100 years old and probably  
10 were even planted when Valley View Farm was in  
11 operation which pre-dated the Brady Mansion. Some of  
12 them are in tree wells that were built at the time of  
13 the Brady Mansion. They are significant. They are  
14 not all native but they're extraordinary trees.  
15 They're visible from Foxhall Road. In fact, in the  
16 winter, it's the one big piece of green that you see  
17 as you look across the field. And the level of our  
18 field is almost exactly at the base level of those  
19 trees. So, they'll be highly visible.

20           That will be kept set aside as a little  
21 park. It's a wonderful shaded overlook at all times  
22 if you're into the Dell here.

23           We also have, you can see there's a  
24 slightly unusual little loop or twist to our road as  
25 you come into the development here. And that's

1       because the larger green circled you see there is an  
2       enormous Sycamore, terrific Sycamore, right on access  
3       with 45<sup>th</sup> Street now, together with a companion tree  
4       close to it, we felt it was really worthy of  
5       preservation.       The Department of Transportation  
6       because of the modest size of the development just  
7       said they're happy for the road to go this way to save  
8       the tree.

9               So, we actually have a little park area  
10       around there with a stair that we can drop people down  
11       into there.   There's a tremendous grade change that  
12       exists on the site there.   People will be able to walk  
13       in there and walk a loop that they goes up through our  
14       alley system at the back here.

15              On the east side over here, there is  
16       actually a small ephemeral stream.   It's really just  
17       an open ditch that, of course, runs when there's rain  
18       fall.   This as part of our wetland study we showed all  
19       of our findings to the Corps of Engineers and then in  
20       a meeting about a year ago on site that took  
21       jurisdiction of about a 40-foot stretch of this which  
22       we're obviously preserving and we are offering the  
23       D.C. preferred 25-foot buffer around it.   So, that's  
24       another green area at the edge of the park that we're  
25       able to offer.

1                   We also have in this condition here,  
2       excuse me, 15-feet of a space between our road bed and  
3       the park grater than we originally started for, but  
4       something that was asked for by Mr. Murphy.

5                   Another green space that we've kept is  
6       right here below the mansion wall.       There's a  
7       beautiful cox of mature trees on a grass bank and  
8       we're keeping that as a set aside as well.   So, in  
9       fact, this is the development of what has been  
10      traditionally a very big open green space at the edge  
11      of the park.   And we've tried hard to respect that in  
12      the development os that a user or a visitor to the  
13      neighborhood would drive in around this big tree, go  
14      straight towards an intersection when you see these  
15      beautiful trees up on the hill, take a right and you  
16      go down there are actually some magnificent Park  
17      Service trees there that we've aimed our road towards,  
18      which we're happy to look at.   And then as we turn  
19      around here, there's obviously public enjoyment of the  
20      edge of the park.   As soon as you take the left, you  
21      can see the Dell loop around it on your way out.  
22      Again, you're on your way past some of the green space  
23      that's in there.

24                   Let me see if I have anything here.

25                   We believe that we're in keeping with the

1 R-B1 intent in that, of course, the minimum lot within  
2 an area have been exceeded. It is a single-family  
3 home neighborhood and the front, rear and side yards  
4 are all in compliance.

5 I'm going to make a very small comment, if  
6 I may, on the OP report, Office of Planning Report.  
7 We did pay several visits to them and followed  
8 suggestions of theirs along the way.

9 In their letter to the Board, they  
10 mentioned that there are CCRs and architectural  
11 guidelines that would apply to all of the houses. In  
12 fact, that is slightly different. They are more  
13 restrictions on the Hoban Street houses, the nine  
14 matter-of-right houses that face the existing  
15 neighborhood. And also there's a comment that all  
16 front doors would face Hoban. I'm sure what they mean  
17 is that all front doors would face streets, because we  
18 have internal streets as well.

19 But we do plan to have a compatibility of  
20 the architecture in what's provided throughout the  
21 development, but in particular, in these nine matter-  
22 of-right houses that face Colony Hill. And there was  
23 a long and constructive series of meetings that have  
24 applied some extra architectural restrictions on that  
25 side.

1                   We will have houses of 4,000 feet above  
2           grade and to the first and second floors. And we have  
3           proffered 22 conditions that cover initial  
4           construction which are proposed and we then further  
5           have architectural guidelines proposed for the entire  
6           development which include 11 more restrictive  
7           architectural guidelines that are offered for these  
8           matter-of-right houses on Hoban. And these would be  
9           permanently monitored and enforced by the Homeowners'  
10          Association. And I believe it would be our suggestion  
11          that you should incorporate these into your motion n  
12          the product as a whole.

13                   Little more detail on the lot design  
14          itself. This is one of the lots on Hoban Road and in  
15          this particular case, the property line actually  
16          includes an alley on the south side and actually on  
17          the north side. I'm going to go back and just point  
18          out that the grade changes and the tree saving  
19          intentions along Hoban road made it appropriate to  
20          consider a rear access alley system for those houses  
21          in particular.

22                   Furthermore, where there's a tremendous  
23          grade challenges in this inside loop over here, we  
24          have also incorporated a second alley system over  
25          there. This is very like the vew places, for example,

1 in Spring Valley and Wesley Heights where the grade is  
2 so extreme that you can't get a car up to the front of  
3 these houses and the alleys are introduced in those  
4 neighborhoods where it is necessary.

5 So, on our developed lot here, we've also  
6 taken care with a proposed footprint to still include  
7 a landscaped rear garden. There's about 30 by 40 feet  
8 that would be for the enjoyment of those homeowners as  
9 well as the private right of way that just serves a  
10 few of the neighbors uphill on the side over here.

11 There's obviously a front yard as well  
12 which is quite large together with the public space  
13 which is 15 feet and our 25-foot front yard setback,  
14 there's 40 feet of green space from the street before  
15 you see the house.

16 We have a small handful of more  
17 challenging access sights within the development which  
18 may end of having driveways from the front, but we  
19 would still have a landscaped front yard and obviously  
20 landscaped rear yard. These are typical development  
21 landscape plans for these two houses in working with  
22 EDAW, the landscape architect who are consulting on  
23 the project.

24 Just see if I've got covered all of these  
25 points here.



1                   Yes.    The steeper lots that I mentioned  
2   before are really the reason that we have the alley  
3   systems going there.

4                   I'm sorry, I seem to have lost my place  
5   and I just want to be sure where I am here.   Thank  
6   you.

7                   In conclusion, having shown you all the  
8   details, it has been our intention to provide a low  
9   density garden suburb which is open and accessible in  
10   plan and really a natural extension of the existing  
11   Colony Hill neighborhood.

12                  I'm now going to talk about the  
13   environmental considerations that we're taking into  
14   account as we worked on the design.   This is a really  
15   beautiful site.   It's been open for a long time.  
16   We've tried to treat it with great respect.   We  
17   appreciate many of its natural attributes.

18                  What we've done is tried to seek a balance  
19   between the needs for development of this private land  
20   to go with the preservation of the most valuable  
21   natural resources of the site wherever it's possible.  
22   And these include the preservation of the Dell that  
23   you've seen up here, the preservation of the three  
24   pocket parks that were described a little earlier in  
25   my testimony, the preservation of the ephemeral stream

1       which is on the eastern side in the southern swale.  
2       And with open access to green spaces, parkland and  
3       view as you tour through the site as I showed you  
4       earlier.

5               There will be a lot of sharing of these  
6       amenities by people that use, not only live there, but  
7       people that visit the site and walk through it and use  
8       it.

9               We are also taking a very careful look at  
10      the preservation of views from the park as you look  
11      back.  What we're offering up, although we have two  
12      sites, this site and this site here, that actually  
13      have a side yard facing the park which would normally  
14      be an eight-foot buffer, we are actually offering to  
15      make that a 30-foot restriction -- building  
16      restriction line.  So, essentially we're providing a  
17      30-foot building restriction line all the way around  
18      the residential portion which is clearly beyond the  
19      25-foot rear yard requirement and way beyond the  
20      eight-foot side yard requirement.  Our park conditions  
21      do include these higher walls and so on, retaining  
22      walls as I mentioned earlier.

23              In our discussions in several meetings  
24      with Mr. Murphy and others from the park Service, they  
25      asked us to detail the park edge conditions for them

1       so that they could understand exactly what we were  
2       offering.     And this is a detailed plan that was  
3       offered to Mr. Murphy.   This is a revised version. We  
4       have three park edge conditions I'd like to highlight  
5       for you.

6                   Where you see the blue line up in the  
7       northwest corner over here, is a small pedestrian  
8       prints, that's a three or four foot metal fence that  
9       would exist just to control students from running up  
10      onto the site where there's no grade change.   We have  
11      one residential property back here in the southeast  
12      corner which also has a natural grade change to the  
13      site.     And we would offer that fence up as the  
14      defining edge of the boundary as well.

15                   And let me say that when you drive past  
16      the site now, there's actually an eight-foot security  
17      fence on all three sides, west, south and east, which  
18      we will take down.   This was a security fence Mrs.  
19      Casey had planned for the mayor's mansion.   And we  
20      will also come back with some small pedestrian  
21      controlling fence on Foxhall Road.   It will be nothing  
22      like what you see there today.

23                   As we worked our way around the park edge  
24      conditions, then there are other conditions as I  
25      showed you in the model where we have a need for one

1       or perhaps two retaining walls that are staggered, set  
2       back one from another with planted banks. I'll show  
3       you a couple of these sections. This condition you  
4       see if wherever these sort of mustard colored walls  
5       indicate here.

6               Of course, our happiest conditions against  
7       the park are those where we offer green space with no  
8       change of grade and no built environment at all. We  
9       have a long stretch here on the Dell. We also have a  
10      long stretch here where the ephemeral stream is and we  
11      also have a stretch here where the roadway is 14 feet  
12      away from the park edge of the bottom of the road  
13      where we would just have a planted edge as well.

14             So, you know, we are approaching almost  
15      half of the perimeter where there would no fence to  
16      the park. And we also feel that the retaining wall is  
17      a gentler edge than just some larger fence.

18             Let me bring you in detail to a couple of  
19      these conditions.

20             Firstly, just to highlight the change from  
21      four to three, you can see we actually dropped --  
22      there's 11, 12, 13 so I actually don't know which lot  
23      number we dropped, but we dropped one of them. We  
24      dropped 14. Okay.

25             You can see that there's a natural ridge

1       that occurs under Lot 11 which makes it a candidate  
2       for development with a more normal less wide and  
3       deeper lots that we have in the development and one of  
4       our houses that fits elsewhere would go in that spot  
5       there.

6               However, the change that we made in  
7       substantially widening and sharing the extra land  
8       available by dropping in Lots 12 and 13 mean that  
9       we're able to build a much shallower house closer to  
10      the road. And you can see from the broken line  
11      contours that exist below there. This is the area of  
12      the most challenging grade at all. I will show you a  
13      section through this area here.

14             I will point out that we have a Park  
15      Service tree down there that we are carefully in  
16      consultation with our tree specialist, Keith Pitrid,  
17      staying away from and being very careful to monitor  
18      the health of all the mature trees that we're planning  
19      to keep.

20             This is a typical section that shows how  
21      the staggered walls would occur. We've been calling  
22      the lower single retaining wall and it's on haha wall  
23      which would be the landscape term for the users on the  
24      uphill side because they would see nothing but green  
25      to green. So, it's a very gentle transition for their

1 use.

2 If during permitting a fence is required  
3 on these walls it's not always the case, it's sort of  
4 a landscape decision. We would plan instead to offer  
5 a three-foot hedge. If there's a fence requirement it  
6 could be put in at that point, set further back and  
7 this distance is as far as we can always make it. We  
8 other grade changes here. We might have as much as a  
9 nine-foot wall further away at this point that we've  
10 offered, you know, planting slope at that point. So,  
11 it softens this condition.

12 Obviously, our most benign conditions are  
13 these like in the Dell where essentially the forest  
14 edge continues and without a fence there, the park  
15 user would certainly feel the benefit of this extra  
16 acre and a half of open space. This is actually the  
17 stream channel that exists down in the Whitehaven Park  
18 that turns into a wetland and public space. And our  
19 property line is about 75 feet away from there.

20 This is the slide that shows the change we  
21 were able to effect in the park conditions by dropping  
22 from four to three houses. The broken line indicates  
23 the condition that we had first proffered when there  
24 were four sites there. And by moving to the three  
25 sites we were actually able to move the house 18 feet

1 back from the park edge there and get another five  
2 feet away for a second wall so that's actually 25-feet  
3 away from the property line. This represents the  
4 large tree that happens to be right near that  
5 condition and the broken line indicates the existing  
6 grade at that point. So, you can see the field that  
7 we've had to deal with there.

8 At the lower end of the southern swale, we  
9 do have some grade conditions that we have to deal  
10 with that include storm water management at the lowest  
11 point of gravity at the site for that section, which  
12 is covered by our alley. That's what you see in the  
13 section there. There's about 17 feet of grade change  
14 from the existing condition up there. So, that's  
15 broken into those two walls as well. That condition  
16 takes place about 62 feet away from the park boundary  
17 and this is our planted buffer area which is around  
18 the ephemeral stream.

19 I will now talk a bit about the tree  
20 saving efforts and the principles involved here.

21 We had several goals in tree preservation.  
22 We were going to try and save groupings of trees where  
23 possible. We also planned to save beyond the D.C.  
24 special tree candidates only. This graphic does show  
25 you only the special tree candidates so they meet the

1 18-inch diameter requirement of this special tree  
2 overlay in the district. But we actually surveyed  
3 trees of eight inches and above that don't occur here.

4 But there are hundreds of trees that we're saving  
5 that we care about.

6 We feel that saved trees actually add  
7 value to the land. They will allow to more gentle fit  
8 in the final development.

9 We are also considering transplant  
10 candidates. We've done our own survey. We've brought  
11 three separate subcontractors into look at access and  
12 trees that could be identified that could actually be  
13 transplanted. So, as we go into final engineering, we  
14 would work on that as well.

15 Our side boundaries and our road layouts  
16 have been carefully laid out to save trees, existing  
17 trees, both those on the property and in the park as  
18 well. We did survey these and have been tracking them  
19 as well.

20 Our goal is that more than 50 percent of  
21 the healthy preservation candidates on this site would  
22 be saved. And obviously details would be worked out  
23 at permit time. The condition of trees at any one  
24 point in time is clearly a changing thing. We have  
25 had some disease and some lightening strikes on some



1        trees and we've had others that we've been able to  
2        improve the health of. There's actually ongoing tree  
3        health treatments at the moment within the property  
4        and we're also with Mr. Murphy's knowledge, we're  
5        going to do some work on the tree and the park right  
6        there which is part of one of our views that we care  
7        about.

8                    I'll now look at the storm water  
9        management provisions for the property.

10                   The storm water management has been  
11        divided up because there is so much terrain change.  
12        There are these two swale systems in the property.  
13        It's being divided into four major sections and one  
14        minor.

15                   The school property in the northwest here  
16        there is a storage facility below our campus green  
17        area that will have one out full here down into the  
18        Dell. That out full is going to be a couple of  
19        hundred feet away from the wetland which is down here.

20        And, of course, we get the added filtration of the  
21        grasses and the natural terrain that exists within the  
22        Dell.

23                   We have a second system which is below the  
24        field here which has its primary out full also in the  
25        northern Dell. We clearly have looked at these

1 systems to make sure that we continue to feed the  
2 stream systems that are downstream from here so that  
3 none of those are starved of water. But in those  
4 extraordinary storm events, we do have an overflow  
5 pipe that will connect us to the southern swale system  
6 over here.

7           The third structure which is a small one  
8 is below the road on the east near the park because  
9 the road and front yard and roof drainage for these  
10 few houses here could not be run by gravity to the  
11 system here because of this ridge. So that's a small  
12 out fall which actually drops that as it does now down  
13 on the north side close to the open park system over  
14 there.

15           And these three lots that you see here  
16 would also have local bio-filtration systems just to  
17 deal with the storm water off the back of the lots and  
18 in the gardens. It's a very, very minor load and it  
19 does not include any of the road contaminants and so  
20 on.

21           The quantity management will be provided  
22 by the storage capacities that you see pointed out  
23 here, they will exceed the District's standards. We  
24 have quantity control for both the two-year and the  
25 fifteen-year storm events. And furthermore, for the

1       24 hour detention of a one-year storm event which is  
2       where most of the road contaminants and so on and the  
3       quick flash rain would end up causing down stream  
4       erosion and detriment.

5               So, the quality control is provided in  
6       each of these storage facilities to sand cartridge or  
7       some of the filter would be filtering out suspended  
8       solids.

9               And in our outfalls and final engineering,  
10       that typically are along the existing swale conditions  
11       to maintain the status quo water flow that is designed  
12       to minimize the down stream erosion and to compliment  
13       the natural environmental conditions that exist. And  
14       consideration will be given to the use of, for  
15       example, stones covered with top soil and native  
16       grasses, plunge pools, bio-retention areas, reinforced  
17       turf and multiple outfalls as we go into final  
18       engineering as is appropriate to each one of these  
19       cases.

20               I will now talk about the landscape design  
21       principles. The landscape design was done jointly by  
22       Sasaki in a bigger picture and looking at the school  
23       in particular and by the offices of EDAW locally here  
24       from Alexandria.

25               The goal here as I mentioned earlier with

1        regard to trees, we were saving existing trees in  
2        groves, trying to keep picturesque groups like we've  
3        pointed out in the Dell, remove under story invasive  
4        species to open up the view and maintain the health of  
5        these trees.

6                    We're going to preserve the trees at the  
7        edge of the property as much as possible to preserve  
8        the parkland views and soften the transition from  
9        built to open environments and to ease the fit into  
10       this green context.

11                   There will be a tree planting program  
12       along the drives to and through the site to provide  
13       shade and definition to these routes.     Different  
14       species would be used on different routes consistent  
15       with the way the District does this.

16                   There will be selected and well sited  
17       trees planted in the school courtyards.    You can see  
18       some shade trees here to create the campus setting.  
19       By the step down amphitheater for the outdoor events,  
20       we'd have grass terraces.    And there would be selected  
21       areas at the edges of the campus that would have  
22       flowering trees, groundcover and low shrubs to  
23       stabilize the slopes and transition into the more  
24       natural areas beyond the site of the park and the  
25       Dell.

1                   We'll have a path system to make  
2                   connections and trails. Some of these could be made  
3                   of pervious materials. It's a good candidate for  
4                   those materials.

5                   Special places would be created on site,  
6                   benches and sculpture, etcetera, to enhance or  
7                   terminate views and offer areas of contemplation for  
8                   the users of the school.

9                   We want to offer a new street planting  
10                  along Foxhall Road and Hoban Road where there doesn't  
11                  seem to have been -- certainly aren't any remnants of  
12                  a proper tree scape that's planned and so we plan to  
13                  plant those at the cost of the Applicant,  
14                  incorporating existing trees where possible.

15                  Now, the new street tree plantings along  
16                  these interior roads would likely be ornamental trees.

17                  We are bearing all our utilities so it gives us a  
18                  little more freedom for street variety trees than you  
19                  see on many of the public streets.

20                  There would be, of course, new screen  
21                  planting at the park edges that I mentioned together  
22                  with our retaining walls that you saw in the section  
23                  and clearly we plan to preserve and enhance the Dell  
24                  as well.

25                  Evergreen and deciduous plantings would

1 screen the buildings and the field at the school from  
2 Foxhall Road. So, our goal here to have planned a  
3 balanced environmentally sensitive use of the land.

4 And I want to just deviate for a moment.  
5 I mentioned earlier that we would use some porous  
6 paving systems in the park systems. There had been a  
7 question raised by the Office of Planning about  
8 whether this couldn't be used on any of the roads  
9 within the school or the residential complex. And if  
10 we could we would, but we want to refer to an EPA  
11 position paper on porous pavement put out in September  
12 of 1999. And when they studied this, the EPA came to  
13 the conclusion that it is appropriate for flat or  
14 gentle slopes and one should really field verify the  
15 permeability rates of the soil to be greater than a  
16 half inch per hour to make this appropriate.

17 Unfortunately, neither of these criteria  
18 can be met at 1801 Foxhall because of both the  
19 existing and proposed topography is characterized by  
20 moderate to steep slopes and field tested permeability  
21 rates have been very low. They've been from zero to  
22 .39 inches per hour and a technical engineer in there,  
23 chief technical survey, said that infiltration is not  
24 considered feasible at this site, unfortunately.

25 In addition, the EPA fact sheet does say

1       that porous pavement has a high failure rate,  
2       approximately 75 percent and it's not suitable for use  
3       for heavy vehicles like trash trucks or moving vans  
4       and clearly we'd have those sort of services within  
5       all of the roads planned in the development. And they  
6       require frequent maintenance. The EPA recommends  
7       vacuum sweeping at least four times a year followed by  
8       high-pressure hosing. So, we can see using these on  
9       some pedestrian parts, but it doesn't seem appropriate  
10      for either the residential or school roadways per se.

11                   That concludes my testimony.

12                   CHAIRPERSON GRIFFIS: Excellent. Thank  
13      you very much. Some detail to your testimony, I must  
14      say.

15                   MR. BARNES: Yes.

16                   CHAIRPERSON GRIFFIS: Let's get some  
17      questions while it's fresh because it is an awful lot  
18      of information. I appreciate actually the chronology  
19      of which you set it up looking at the site and then  
20      the architectural design details, getting into some of  
21      the environmental issues and then lastly, of course,  
22      the landscaping.

23                   A quick side question. What is a tree  
24      health treatment plan?

25                   MR. BARNES: We have already found that

1       some of the trees were stressed on the property that  
2       we inherited that were preservation candidates.  Trees  
3       that are, let's say, in fair condition but have a  
4       blight or some other kind of attack.  And what we've  
5       done is actually treated some of these trees with some  
6       success.  Keith Pritchard can tell you more about that  
7       in detail.

8                       We have noticed that the one red oak which  
9       is on the eastern side that I mentioned down here at  
10      the edge of our road scape.  My pointer seems to have  
11      died.  The large tree to the east down here.  This guy  
12      here is showing some sort of signs of some sort of  
13      infestation and we plan to treat that as well just to  
14      keep it healthy.

15                     So, we consider the maintenance of the  
16      trees now and during the development to be an ongoing  
17      responsibility and Keith Pritchard, the team member,  
18      has tremendous experience in working with trees that  
19      are kept alive during developments and after.

20                     CHAIRPERSON GRIFFIS:  Sure.

21                     MR.  BARNES:     So, he's very carefully  
22      looked at the position of the walls, the roads,  
23      utilities and so on and there's been a tremendous  
24      amount of work done --

25                     CHAIRPERSON GRIFFIS:  Good.



1                   MR. BARNES:    -- to make sure that we  
2       really can keep these trees alive.

3                   CHAIRPERSON GRIFFIS:   Okay.   And another  
4       aspect of the tree.   You have the tree planting  
5       program in the Foxhall.   That's on the public space.  
6       Is that correct?

7                   MR. BARNES:   It is in a public space.   It  
8       clearly would need to be worked together with the  
9       public space and all those folks.   But, yes, we want  
10      to offer that because that tree scape is very meager  
11      right now.

12                  CHAIRPERSON GRIFFIS:   Excellent.  
13                       Starting from the beginning then.   I note  
14      the diagram and the model are not exactly similar and  
15      you've talked about this terracing amphitheater.  
16      That's what is being proposed now.   Is that correct?

17                  MR. BARNES:   The amphitheater is actually  
18      -- the amphitheater shown here, we are just not  
19      showing -- I need to get a pointer that works.

20                  We're not showing all the grades here but  
21      that is consistent in both schemes.   Actually, the  
22      model really represents the same design.

23                  CHAIRPERSON GRIFFIS:   Good.   Okay.    I  
24      thought that was fascinating.

25                  From that level, let's call that the grade

1 level at the high school.

2 MR. BARNES: Yes.

3 CHAIRPERSON GRIFFIS: Is there a  
4 connection on the grade level to the field or do you  
5 have to go below grade and come out at the field  
6 grade?

7 MR. BARNES: You have two options because  
8 the grades are so challenging at that point. There is  
9 a point, of course, at which our campus green here is  
10 at the same level of the roadway which has a sidewalk  
11 on one side of it so one can cross the road and we  
12 would plan a path just through the Dell which would  
13 pretty much be a contour path that could bring you  
14 from that campus green to the field without going  
15 underground.

16 CHAIRPERSON GRIFFIS: Okay. And I would  
17 assume that the faculty number has not changed. Has  
18 the parking count changed from the 170 that was  
19 originally proposed?

20 MR. BARNES: No. That's what we provide.  
21 The low grade and there's the additional overflow  
22 parking that Marty will speak to around the road loop  
23 as well.

24 CHAIRPERSON GRIFFIS: Excellent. And  
25 laying this out, the ingress and egress into the

1 parking lot is where?

2 MR. BARNES: Oh, excuse me, I omitted to  
3 point that out. A good question.

4 Right here we go underground after running  
5 around the loops because this roadway can be used for  
6 the daily stacking needs of pick up and drop off. You  
7 go underground at this point and there is a parking  
8 ramp below these two buildings and then the rest of  
9 the parking is below the main section of the high  
10 school building at that point.

11 CHAIRPERSON GRIFFIS: Okay. You indicated  
12 in terms of the residential that you meet all the  
13 criteria of 2116. There is a comment that we will  
14 hear later. You are firm in your testimony that you  
15 meet 2116 6B which is the width dimensions for the  
16 access to each of the residential?

17 MR. BARNES: Yes.

18 CHAIRPERSON GRIFFIS: Okay. And I note  
19 that the alley system, which I think is an incredible  
20 aspect to do in something of this nature. I think  
21 it's a most valuable piece.

22 It feeds all the buildings except for now  
23 six. Is that correct?

24 MR. BARNES: There's a small handful that  
25 not in the alley. These three here, those three

1       there.     That's six.     All the rest of them, yes,  
2       essentially, they're all fed by the alley.

3                 I'm sorry.     These two on top of the  
4       mansion are essentially -- they've got a shared drive  
5       in the back right there.   So, it's essentially another  
6       little alley.

7                 CHAIRPERSON GRIFFIS:   Rear access.

8                 MR. BARNES:   But they all have that rear  
9       alley access but for those six.

10                CHAIRPERSON       GRIFFIS:           Excellent.  
11       Excellent.

12                MR. FEOLA:     Mr. Chairman, we've just  
13       turned in the revised engineering plans that reflect  
14       the changes that Mr. Barnes and Mr. Ward talked about,  
15       including the change in the northeast corner from four  
16       lots to three.

17                CHAIRPERSON GRIFFIS:   Okay.

18                MR. FEOLA:     And Ms. Bailey has them to  
19       mark them as an exhibit.

20                CHAIRPERSON GRIFFIS:   Excellent.   You had  
21       a mustard colored diagram with the lines.   It was the  
22       edge condition that was talking about the retaining  
23       walls.     But obviously as it was labeled, Edge  
24       Condition Key Plan, didn't get into the retaining  
25       walls in the site.   Is that correct?

1                   MR. BARNES: Yes. I have them in the back  
2 of the tray if you'd like to see them. But the  
3 principles employed were the same and I thought it  
4 would gobble up too much testimony.

5                   CHAIRPERSON GRIFFIS: Okay. The largest  
6 one being the one that surrounds the athletic field.

7                   MR. BARNES: Yes. That's a single wall  
8 which -- in fact, I might use the model. Could you  
9 get back to the model picture? The model might be the  
10 best place. That's good.

11                   You can see we picked the flattest area of  
12 the saddle of land system that exists there now to  
13 locate the field and then we set its elevation as  
14 carefully as we could balancing between how big a  
15 retaining wall would be at either the highest corners  
16 and its relationship to Foxhall Road and not wanting  
17 to cut off the stem of those evergreens that exist at  
18 that point here.

19                   So, in our most extreme case here where we  
20 have, again, private land, open land, we have about a  
21 15 foot condition at this corner as I recall. We've  
22 kept that to a single wall because we have great tree  
23 saving candidates right below it. So, we didn't want  
24 to do the step wall condition at that point. We've  
25 put some native climbers on there and make it a stone

1 wall and we think that it will in the end soften it  
2 into a nice condition.

3 CHAIRPERSON GRIFFIS: Okay. So, you're  
4 proposing that to be a stone wall and the retaining  
5 wall, I guess that would be the west side?

6 MR. BARNES: The west side here. That  
7 would be a stone wall against Foxhall. And we  
8 actually have got some bleachers cut into the nature  
9 terrain as much as we can and then we are upholding  
10 with this wall the existing sort of curb and sidewalk  
11 condition at Foxhall Road that exists now.

12 We have a smaller wall and plated bank in  
13 combination at the back of our residential here. It  
14 faces the backyards and part of a little private alley  
15 of our own new residents. So, we've tried to make it  
16 a controller and softened edge for those folks to look  
17 at too.

18 CHAIRPERSON GRIFFIS: Okay. I guess I'm  
19 not understanding the relationship. The bleacher is  
20 cut into the wall?

21 MR. BARNES: The bleacher, excuse me.  
22 Those contours there represent the bleachers which are  
23 between the wall and the field.

24 CHAIRPERSON GRIFFIS: I see. All right.  
25 That makes more sense. So, the retaining wall

1       actually is more towards almost the property line or  
2       more to the edge of the property?

3               MR. BARNES:   Exactly.   It holds up the  
4       road edge.

5               CHAIRPERSON GRIFFIS:   I see.   And you made  
6       the point in your testimony that that enables to keep  
7       that open space, that vista from the surrounding area?

8               MR. BARNES:   As you drive on Foxhall Road,  
9       particularly in the winter, we will have street trees  
10      put in but in the winter you'll look through and see  
11      all the way through to the tree scape that goes all  
12      the way down to the Whitehaven Park.

13              CHAIRPERSON GRIFFIS:   Right.   Okay.

14              MR. FEOLA:   Mr. Chairman, we are turning  
15      in the edge condition that Mr. Barnes spoke to along  
16      the park with all the sections -- he didn't speak to  
17      all of them, but they are all in the package that Ms.  
18      Bailey is passing out now.

19              CHAIRPERSON GRIFFIS:   Excellent.   It's my  
20      understanding that this is a private road that cuts in  
21      off of Hoban.   Is that correct?

22              MR. BARNES:   Because it's a theoretical  
23      subdivision and we're essentially building the road to  
24      stand, but it's a private road system administered by  
25      the Homeowners' Association.

1                   CHAIRPERSON GRIFFIS:   Okay.   And then the  
2   private areas, the parks that you've cut out also  
3   would then be managed by the Homeowners' Association?

4                   MR. BARNES:   Exactly.   Exactly.

5                   CHAIRPERSON GRIFFIS:   And this would have  
6   then private trash hauling or is this public?

7                   MR. BARNES:   Beg your pardon?

8                   CHAIRPERSON GRIFFIS: Would it have private  
9   trash hauling?

10                  MR. BARNES:   Yes.   Private trash hauling  
11   and snow removal.

12                  CHAIRPERSON GRIFFIS:   Okay.   I think  
13   that's all I have.

14                  Others?   Mr. Mann.

15                  MR. MANN:   A couple of questions.   You've  
16   asked some of them.

17                  The construction that's shown for the  
18   school, does that represent build-out or is there room  
19   for future school construction?

20                  MR. BARNES:   No.   We feel it's built it.  
21   You can see that our campus green to the east has  
22   storm water management below it.   You know, the school  
23   spent considerable time and energy looking at school  
24   size and they feel comfortable with the size of the  
25   building as it is now.   It's about 175,000 square feet



1 of built space. I forgot to mention that.

2 MR. MANN: Okay. Is the surface of the  
3 playing field natural turf?

4 MR. BARNES: Thank you for asking. I  
5 meant to say. We plan to make it an artificial turf  
6 field. We just feel with the kind of use that a field  
7 like that gets in the afternoon. You know a school  
8 like this would prefer to have two fields and we just  
9 felt, although we studied two fields earlier with  
10 Sasaki, it just became an inappropriate use of the  
11 site. And there would be some tough edge conditions.

12 There's just too much grading challenges to meet, so  
13 we've kept it to one field. Because of the use, it  
14 would be almost impossible to keep a natural turf  
15 well, so we're going to artificial turf.

16 MR. MANN: Are there any advantages of  
17 disadvantages regarding the storm water management  
18 when you have artificial turf?

19 MR. BARNES: Well, yes and no. I think if  
20 you think of a large green area. I heard from the Park  
21 Service, they consider a natural playing field to be a  
22 large source of chemical contaminants because of how  
23 hard people work to keep that grass alive.

24 But from a storm water management point of  
25 view it is not considered an infiltration area,

1       although it is really a vast sand filter. I mean, if  
2       you think about it, there's non-contaminated rain that  
3       is then filtered by the sand bed below the field and  
4       then further filtered in the storm water management  
5       system.

6                       So, from a storm water management point of  
7       view, it's considered as if it were even paved. So,  
8       collection rates and storage are based on those  
9       calculations.

10                      MR. MANN: Okay. What's the capacity of  
11       the bleachers?

12                      MR. BARNES: You know, I don't remember.  
13       I think it's probably in the 300 odd range.

14                      MR. MANN: Are we going to hear something  
15       later about associated, I guess, with traffic or  
16       attendance, anything regarding how many people we can  
17       expect on site at one time that maybe would be related  
18       to --

19                      MR. BARNES: Yes. I think those issues  
20       are addressed by the operations agreements which have  
21       been discussed in great detail and agreed to with the  
22       neighborhood organizations and some of the neighbors  
23       individually. And to Terry Armstrong of the school is  
24       going to address those issues in his testimony that  
25       follows.

1                   MR. MANN:    Okay.    I'm not quite certain  
2                   who can best answer this question.    But I guess these  
3                   streets remain private in perpetuity.    Is that  
4                   correct?

5                   MR. BARNES:   Yes.

6                   MR. MANN:    Yes.    And that's just part and  
7                   parcel of the whole theoretical lot subdivision?

8                   MR. BARNES:   Yes.

9                   MR. MANN:    That's just how it happens?

10                  MR. BARNES:   Yes, sir.

11                  MR. MANN:    But the ownership of the lots,  
12                  that fee simple?

13                  MR. FEOLA:   Fee simple to the individual  
14                  owners.    The Homeowners' Association will own the  
15                  common areas including the parks and the streets.    But  
16                  the individual owners will have their house.

17                  MR. MANN:    Okay.    And what would prevent  
18                  this community from becoming a gated community?

19                  MR. BARNES:   The OP Report for one.

20                  MR. FEOLA:   Your order, if you're inclined  
21                  to approve that could stipulate, but it is the  
22                  intention of the Applicant and the contract purchaser  
23                  who is going to build these houses that it would not  
24                  be.    We have no gates planned.

25                  MR. MANN:    Okay.    And the Dell that's open

1 to the -- will the Dell be open to the users of  
2 Whitehaven Park?

3 MR. BARNES: Sure. People will be able to  
4 walk in unimpeded. There will be no fence there.

5 MR. MANN: Okay.

6 CHAIRPERSON GRIFFIS: That's a heck of a  
7 hike.

8 MR. MANN: Yes. But none the less, it's  
9 sort of physically open there.

10 You might have answered this earlier, but  
11 you said something about the steeper lots are the  
12 reason for the alley system. Was that the only reason  
13 or were there esthetic or --

14 MR. BARNES: There's another important  
15 reason.

16 On Hoban Road there are some existing tree  
17 candidates, particularly down at the southeastern end  
18 over here in the front yards which we would certainly  
19 have to lose a bunch if we did curb cuts on that side.

20 Also to respect the green edge that these other  
21 neighbors have been looking at Hoban Road's green side  
22 on the north for all these years, it seemed  
23 appropriate to us to just go to the back. A  
24 combination of those two.

25 MR. MANN: Okay. I think that's it for

1       now.

2                   CHAIRPERSON GRIFFIS: Any questions?

3                   COMMISSIONER PARSONS: Yes. I want to  
4       congratulate all of you. We haven't heard from Mr.  
5       Wells yet. But, Mr. Barnes, I think you know this  
6       property better than you know your own home. Which is  
7       good. I mean, your comprehensive knowledge of what's  
8       going on here is very impressive.

9                   And there's so many things about this that  
10       have been talked about in other cases that have not  
11       come true that it's really special. The storm water  
12       management, the roads adjacent to the parks where  
13       you've been able to accommodate that. The tree  
14       protection and so many other things, but I do have a  
15       couple of questions.

16                  MR. BARNES: Sure.

17                  COMMISSIONER PARSONS: This is an enormous  
18       grading program or grading challenge.

19                  MR. BARNES: Yes.

20                  COMMISSIONER PARSONS: And as Mr. Feola  
21       said, the school will follow the residential.

22                  Is there a cut and fill balance here where  
23       you would need to clear the whole site at one time so  
24       as to accommodate what needs to be done?

25                  MR. BARNES: It's a good question. We

1       have studied it. Obviously in final engineering, more  
2       detail will be done. But our preliminary estimates  
3       show that there will be a balance of some fill that  
4       will leave the site. But we are able, for example, to  
5       accommodate the needs of the fill and grading of the  
6       residential site from the school. So, there's going  
7       to be as much load sharing within the property as  
8       possible. And we've spent quite a bit of time  
9       thinking forward about where we would be staging  
10      construction and how where we would get this dirt and  
11      move it into the area of the residential which has a  
12      need for fill.

13               COMMISSIONER PARSONS: We might need to be  
14      careful how we structure these two orders. Obviously,  
15      at the beginning of time, the two projects are  
16      somewhat dependent on each other. Is that correct?

17               MR. BARNES: Yes. You could say that,  
18      although we have obviously thought through how if for  
19      some reason the school was delayed or something like  
20      that, we could also get a grading permit to take the  
21      soil from the school site and move it to the  
22      residential site.

23               COMMISSIONER PARSONS: I see.

24               MR. BARNES: So, I mean, we see such  
25      eventualities might need to come to pass. We hope

1 not. But we've certainly thought through that in a  
2 preliminary fashion.

3 COMMISSIONER PARSONS: Now there are two  
4 valleys. One named the Dell and the other one  
5 unnamed.

6 MR. BARNES: The Southern Swale.

7 COMMISSIONER PARSONS: No longer a valley.

8 MR. BARNES: Yes.

9 COMMISSIONER PARSONS: How much fill is  
10 being placed into that valley? I mean, I can't really  
11 read the contours well enough.

12 MR. BARNES: It's very hard to tell. It  
13 changes dramatically as you go down through here. I  
14 keep losing the working slide pointer.

15 The way that this sites works now is there  
16 are a series of terraces that move down towards the  
17 east and the fall is I'd say probably 85 feet from  
18 Foxhall Road just straight down that little valley  
19 system right now. A series of terraces will probably  
20 go back to the farming of the Valley View Farm days.

21 What we plan to do here in this section  
22 down here in the lowest part is we plan to put in fill  
23 that's probably at its highest condition here is to  
24 point out the end condition 17 feet of grade change  
25 and which sounds like a lot and it is. And it's based

1 on three primary goals that are met by doing that.

2 The first one is that we need to  
3 accommodate the storm water management for the bulk of  
4 this area in the lowest point of the site obviously to  
5 have it work by gravity. So, that's a natural place  
6 to put it.

7 Secondly, to be able to accommodate a rear  
8 entry need that is at least somewhat close to the  
9 basement level of these houses. Right now there's a  
10 story and a half to a two story fall across the back  
11 of that site. There's a cliff at the back of these  
12 sites that exist now.

13 So, in filling it to some degree and this  
14 was a change we made during our discussion with Colony  
15 Hill, we were able to start off with these five sites  
16 serviced from the rear and it took quite a bit of  
17 engineering and raising of this grade to be able to  
18 serve these other sites from the rear as well. We  
19 were first afraid we'd have to do front driveways.

20 Thirdly, and perhaps most importantly from  
21 a park point of view, it was the original plan to make  
22 access through a bored underground tunnel, some 150 or  
23 200 feet into the national park where there is a  
24 sanitary sewer line that's active that we were  
25 planning to take as our main out source for this



1 section of residential. We always had planned to take  
2 the school in the upper Hoban houses to an existing  
3 sanitary sewer that runs down Hoban Road.

4 Mr. Murphy, who is a persuasive gentleman,  
5 made it clear that he would prefer we found another  
6 way to deal with the sanitary needs. We went back and  
7 looked at the engineering.

8 There happens to be a pretty steep fall in  
9 the underground sanitary line that exists here and we  
10 ran the numbers and realized that if we were to add  
11 two or three feet more fill to this area down here in  
12 the southern swale, we were able by gravity to  
13 actually take all of our houses from a basement level  
14 by gravity out to Hoban.

15 So, we are going to use the same jack and  
16 bore drilling condition to run our sanitary sewer  
17 along this property line below some terrific trees  
18 that we're saving there to get down below Hoban Road.

19 So, there's a combination of those three  
20 elements that have led us to the level of fill that we  
21 have and with our staggered walls and the distance  
22 from the park boundary, I think it will be somewhat  
23 acceptable when we're done, but it is a change.

24 COMMISSIONER PARSONS: So, this 17 feet of  
25 fill then is retained by two retaining walls?

1                   MR. BARNES: Two step retaining walls and  
2                   a planted bank. And that's the highest level. It  
3                   gets to be much less as you move towards the west.

4                   COMMISSIONER PARSONS: All right. Now,  
5                   who will own these retaining walls? A condominium  
6                   association of the individual lot owner?

7                   MR. BARNES: I would say the Homeowners'  
8                   Association will be owning them. Yes.

9                   Wouldn't you say, Phil.

10                  MR. FEOLA: Yes.

11                  MR. BARNES: I think they'd be owned by  
12                  the Homeowners' Association.

13                  COMMISSIONER PARSONS: All right.

14                  MR. BARNES: And they'd be responsible for  
15                  maintaining them.

16                  MR. FEOLA: Yes. Of course, except for  
17                  the ones that are adjacent to the school which are on  
18                  the school's parcel.

19                  COMMISSIONER PARSONS: Oh, sure.

20                  You show on sheet A3 and we don't need to  
21                  go to it. The footprint of each house which is the  
22                  same thing that we did at Phillips as I remember it.  
23                  But that's the only drawing it appears on. In other  
24                  words, you've shown five footprints.

25                  MR. BARNES: Right.

1                   COMMISSIONER PARSONS:     The one on the  
2     screen.    So, what is the meaning of drawing A3?   Is  
3     that something you want to be --

4                   MR. BARNES:    I don't know that I have A3  
5     in the slides.   Perhaps, if I can take a look at  
6     Exhibit A3?   Okay.

7                   From the pre-hearing statement, this was  
8     an engineering drawing that we included at the time  
9     that showed test fit studies.   You know, because in  
10    this case, unlike Phillips, we have a residential  
11    developer that is actually going to be building this  
12    development.   They have houses in mind that are either  
13    already designed or sort of in discussion, which have  
14    been test fit to make sure that they would work.   So,  
15    we adjusted lot sizes, looked at grading and so on and  
16    this is one of the reasons we were able to forecast in  
17    our earlier edge conditions that we were going to have  
18    a house that would a bit of a tough sell to the park  
19    in the northeast corner.

20                  And so we went back, when we went from  
21    four to three in the northeast corner and looked at  
22    another house model that these folks have or have in  
23    design development that could be a shallower and wider  
24    house from left to right and so on.

25                  So, this was a test fit of likely house

1 sizes.

2 A3. The goal for A3 was actually really  
3 as a parking plan. But it just happens to show in our  
4 engineering test fit for these houses. So, they have  
5 houses in mind for each of these sites. Plans that  
6 fit.

7 COMMISSIONER PARSONS: I'm not sure I  
8 understand.

9 Is this drawing to be taken literally? Is  
10 this something that we want included as --

11 MR. BARNES: We've shown four illustrative  
12 house plans in our package. And these represents  
13 footprints that are likely. Let's not say these are  
14 the exact houses. They're not saying -- you know,  
15 people will have some choices that come to these  
16 sites. But they have model houses that do fit, that  
17 do meet all the requirements that work with these  
18 sites and grades.

19 COMMISSIONER PARSONS: All right.

20 MR. FEOLA: Mr. Parsons, are you speaking  
21 about the external rectangles that are inside these  
22 lots?

23 MR. BARNES: I think you're talking about  
24 the green house footprints.

25 COMMISSIONER PARSONS: Let me start with

1       what's on the wall.    There are six yellow houses  
2       shown.

3                   MR. BARNES:   Right.

4                   COMMISSIONER PARSONS:   On this one there  
5       are --

6                   MR. BARNES:   There are 28.

7                   COMMISSIONER PARSONS:   28.

8                   MR. FEOLA:   Got you.   Okay.

9                   COMMISSIONER PARSONS:   So, what we did at  
10       Phillips is that was it.   And I sense that isn't it.

11                   MR. BARNES:   Well, at Phillips what was  
12       different is we --

13                   COMMISSIONER PARSONS:   I'm not pushing for  
14       it.   I just want to clarify   if   you want this A3 to  
15       be --

16                   Mr. BARNES:   We would be happy to submit  
17       an A3 that shows the parking with the house layer  
18       turned off because these are just test fits, not  
19       necessarily what would be built.

20                   And if that would improve the accuracy of  
21       the record, we'd be happy to make that exhibit change.

22                   COMMISSIONER PARSONS:   Well, I want to go  
23       to the dash lines around the house.

24                   MR. BARNES:   Okay.

25                   CHAIRPERSON GRIFFIS:   But before going to

1       that, my understanding is that the Applicant prosing  
2       is that any footprint of the house would comply with  
3       the regulations. There's no variation in what you've  
4       shown here in A3 which Mr. Parsons is showing is a  
5       potential footprint that obviously meets all --

6                   MR. BARNES: Exactly.

7                   CHAIRPERSON       GRIFFIS:               --       those  
8       requirements?

9                   MR. BARNES: Yes, sir.

10                  CHAIRPERSON GRIFFIS: Okay.

11                  COMMISSIONER PARSONS: Now, the dash lines  
12       around the house.

13                  MR. BARNES: The dash lines surround the  
14       house --

15                  COMMISSIONER PARSONS: Is that simply  
16       reflecting zoning setbacks that are required?

17                  MR. BARNES: Yes. Exactly.

18                  COMMISSIONER PARSONS: Okay. So, there's  
19       no reason for those to appear as a given if that's the  
20       result.

21                  MR. BARNES: Again, I would say this  
22       exhibit is not meant to be confusing but it has become  
23       so. This engineering drawing which showed the  
24       parking, we were also using in our studies of house  
25       footprints, what would work and so on. And so it

1       seems to have muddied the waters in that regard.

2                   MR. FEOLA:   But that's probably one that  
3       the Board should have in its record because it shows  
4       the Zoning Administrator what setbacks the Board wants  
5       to see, even though they are exactly what the zoning  
6       is as opposed to the housing.

7                   COMMISSIONER PARSONS:   I wanted to go to  
8       the grading plan you just passed in, as well as the  
9       landscape plan and it's very specific, but it's an  
10      esthetic issue, I guess.

11                  This Dell is going to be a very special  
12      place.       Unfortunately, you've had to discharge  
13      drainage into it.   So, in the middle of the Dell are  
14      two pads shown at the outfall of the pipes, which  
15      appear to be rip wrap.

16                  MR. BARNES:   Do you mind finding that?  
17      The storm water management plan might be the one to  
18      look at.

19                  COMMISSIONER PARSONS:    A little fill  
20      advertisement here.

21                  MR. FEOLA:   We need all the help we can  
22      get.

23                  MR. BARNES:   Okay.

24                  COMMISSIONER PARSONS:   You see them there.  
25      One coming from the school tank I'll call it and the

1       other one from the field.

2                   MR. BARNES:   Right.

3                   COMMISSIONER PARSONS:   And the landscaping  
4       plan doesn't seem to recognize that.   I know it's  
5       micro in level, but --

6                   MR. BARNES:   No.   I'm glad you asked that.

7                   As I mentioned briefly in my somewhat  
8       dense testimony, we are certainly interested in  
9       looking at various outfall solutions that would make  
10      as gentle as possible the arrival of this water on the  
11      land and not cause any erosion and so on.

12                  So, depending on very local special  
13      infiltration rates and so on, maybe a plunge pool, or  
14      you know rip wrap covered by top soil and native  
15      grasses, for example, which allow you to have  
16      substantially a green condition.

17                  So, what we want to do is look down on the  
18      Dell and actually notice no change.   So, we'll pick  
19      whichever is best suited to the local condition when  
20      we get there.   It can't be determined right now.   In  
21      final engineering, that's our intention.

22                  MR. FEOLA:   If you like, Mr. Parsons,  
23      Scott Roser, the storm water civil engineer.

24                  COMMISSIONER PARSONS:   Oh, that's all  
25      right.   I just wanted the landscaping plan to jive



1 with the engineering plan.

2 MR. BARNES: Well, the landscaping plan,  
3 it just shows green in there is what we intended you  
4 to see. Not a bunch of riff-raff.

5 COMMISSIONER PARSONS: Not to end up with  
6 -- and I know they wouldn't. I shouldn't even have  
7 gone there.

8 I think that's all I have for now. Thank  
9 you.

10 CHAIRPERSON GRIFFIS: Excellent.

11 COMMISSIONER PARSONS: Oh, one more. I'm  
12 sorry.

13 Are you submitting drawings -- I know you  
14 submitted sketches. But drawings that will show these  
15 retaining walls have indeed been pushed back from the  
16 property line?

17 MR. BARNES: Yes. Within the package  
18 they're shown accurately --

19 COMMISSIONER PARSONS: That we just got?

20 MR. BARNES: -- from the property. The  
21 package you just got. Well, maybe not. Yes. The  
22 ones that were handed out. The edge condition package  
23 do show that. It's on a small scale, but yes. They  
24 do.

25 COMMISSIONER PARSONS: Okay. Thank you.

1 CHAIRPERSON GRIFFIS: Good Anything else?

2 All right. A quick question then.

3 On the submission that was sent in today  
4 which are documents, architectural guidelines and  
5 CCRs.

6 My general question is, what are we  
7 supposed to do with this? The specifics are, we have  
8 sections of compliance and enforcement. We have  
9 conditions. Are we looking to be adopting or getting  
10 through all of these specifics in terms of  
11 incorporation in any order that's issued?

12 MR. FEOLA: Yes. It would be the  
13 Applicant's preference to have the entirety  
14 established as a condition of any BZA order issue.

15 CHAIRPERSON GRIFFIS: So, we've got some  
16 lunchtime reading for questions that come through on  
17 this stuff.

18 But let me ask specifically. We've talked  
19 about the footprints of the houses that are proposed  
20 and obviously staying within the area of the  
21 requirements of the zoning regulations. Are the  
22 footprints addressed here in these? That's a very  
23 general question because I see there's an awful lot of  
24 setback on the front. No more than 30 feet I think it  
25 is. No two houses can be identical on the Hoban Road.

1 MR. FEOLA: Right.

2 CHAIRPERSON GRIFFIS: Is there massing  
3 elements that are --

4 MR. BARNES: There are two. We've  
5 restricted the front facade to no more than two  
6 stories with an attic so there will be no three-story  
7 facades.

8 We've also limited --

9 CHAIRPERSON GRIFFIS: The Hoban Road?

10 MR. BARNES: On the Hoban Road side.

11 CHAIRPERSON GRIFFIS: But on the interior  
12 that's not the case?

13 MR. BARNES: It's not the case, but  
14 certainly all the houses that the developers looked at  
15 with us have been really two and a half stories.

16 CHAIRPERSON GRIFFIS: Sure. And why two  
17 levels on -- is that --

18 MR. BARNES: Well, all the existing houses  
19 on Hoban are two-story house.

20 CHAIRPERSON GRIFFIS: I see.

21 MR. BARNES: With attics at best. So,  
22 we're trying to respect the scale.

23 CHAIRPERSON GRIFFIS: So, it's contextual  
24 on that street but not on the interior?

25 MR. BARNES: Well, we feel it's a

1 responsibility there that on the inside there might be  
2 a deviation.

3 CHAIRPERSON GRIFFIS: I'm sorry. What?

4 MR. BARNES: Well, on Hoban we feel the  
5 only responsible action is to build no more than a  
6 two-story house. With the interior of the lot it's a  
7 new environment, possibly a three-story house would be  
8 built there but I think it's unlikely.

9 CHAIRPERSON GRIFFIS: Okay. All right.

10 So, this is something that would be -- all  
11 right. I'll get through it more and maybe my  
12 questions will be better.

13 Okay. How many more witnesses?

14 MR. FEOLA: Two, sir.

15 CHAIRPERSON GRIFFIS: Excellent.

16 MR. FEOLA: Next is Marty Wells who will  
17 give us an overview of the traffic impact.

18 MR. WELLS: Good morning.

19 CHAIRPERSON GRIFFIS: Good morning.

20 MR. WELLS: Phil is right. I am Marty  
21 Wells. I'm President of Wells and Associates. And we  
22 were retained by the Friends of St. Patrick's to  
23 evaluate the transportation impacts of the 440 student  
24 middle and high school and 28 single family homes  
25 which has since been reduced to 27.

1                   I'd like to walk you through our  
2                   evaluation.

3                   The scope of our traffic study initially  
4                   was established in consultation with DDOT. We looked  
5                   at 13 intersections, nine of which are on Foxhall  
6                   Road, four on Reservoir and MacArthur.

7                   We looked at three peak hours. The  
8                   morning peak hour, school and commuter peak hour,  
9                   roughly 7:30 to 8:30. We looked at the school  
10                  afternoon peak hour, roughly 2:45 to 3:45. And then  
11                  we looked at the afternoon commuter peak hour, 5:00 to  
12                  6:00.

13                  We looked at existing conditions, of  
14                  course, and then future conditions with and without  
15                  this application.

16                  This series of five photos will illustrate  
17                  the existing character of Foxhall Road. All of these  
18                  photos are taken looking to the north.

19                  Foxhall Road here just south of Garfield  
20                  Street is a two-lane road. There are no shoulders.  
21                  There are no sidewalks. The posted speed limit is 25  
22                  miles per hours.

23                  A separate southbound left turn lane  
24                  recently was constructed at the new Field School  
25                  driveway. This lane is 160 feet long and has a

1 capacity to stack up to six cars.

2 The driveway is controlled by a demand  
3 actuated traffic signal.

4 Foxhall Road transitions from a two lane  
5 road to a four lane road at Whitehaven Parkway. You  
6 can see in this diagram or this photo that there are  
7 marked crosswalks, ADA ramps and pedestrian signal  
8 heads on all three approaches to this T intersection.

9 St. Patrick's intends to extend the  
10 existing sidewalk on the south side of Whitehaven  
11 Parkway to Foxhall Road and then to construct a new  
12 six-foot sidewalk on the east side of Foxhall so  
13 students can safely and conveniently walk from the  
14 existing lower school campus to the proposed middle  
15 and upper school campuses.

16 CHAIRPERSON GRIFFIS: But there's no  
17 ingress or egress vehicular from that intersection.  
18 Is that correct?

19 MR. WELLS: That's correct.

20 I think everyone who has looked at this,  
21 they're first reaction is why don't we simply extend  
22 Whitehaven Parkway across Foxhall Road to access the  
23 school. I noticed Mr. Parsons' ears picked up because  
24 that would use his property in which we are not  
25 proposing to do.

1                   Foxhall Road south of Whitehaven, indeed  
2           along the entire frontage of 1801 Foxhall is four  
3           lanes wide.     Not two but four.     There are two  
4           southbound lanes, two northbound lanes.   You can see  
5           there's a sidewalk on the west side of Foxhall.   There  
6           is no sidewalk on the east side of Foxhall.

7                   These two diagrams show the existing and  
8           proposed conditions on Foxhall Road between Hoban and  
9           Whitehaven Parkway and I'll take just a couple of  
10          minutes to describe how it operates now and how it's  
11          intended to operate in the future.

12                  Southbound traffic transitions from one  
13          lane to two lanes through the Whitehaven Parkway  
14          intersection.     That's what these red lines are  
15          intended to illustrate.

16                  These two continuous southbound lanes  
17          operate between Whitehaven Parkway and Reservoir Road  
18          to the south.

19                  CHAIRPERSON GRIFFIS:   Would you dim the  
20          lights.   It might be easier to see.

21                  MR. WELLS:   That would be easier.   Thank  
22          you.

23                  The proposal is for southbound traffic to  
24          continue to flow in two lanes past the proposed new  
25          school driveway.   This driveway, by the way, is

1 located at the crest of the vertical curve,  
2 approximately 700 feet south of Whitehaven Parkway.  
3 It's directly across the driveway to the German  
4 Ambassador's residence here.

5 This location meets DDOT requirements and  
6 ASTO guidelines for safe site distances. Safety was a  
7 principal concern in locating this driveway.

8 Foxhall Road would be widened to the east  
9 within available public right-of-way to construct a  
10 separate southbound left-turn lane just as at the  
11 Field School. So, traffic waiting to turn left would  
12 stack in this lane without impeding southbound through  
13 traffic. This lane would be roughly 175 feet long.  
14 It would have a capacity to stack up to seven cars.

15 Our map suggests that only a two to three  
16 car capacity is required, but we're providing a  
17 capacity for seven cars.

18 CHAIRPERSON GRIFFIS: Okay. Two questions  
19 on that stacking back. Those cars will be waiting to  
20 go into the school?

21 MR. WELLS: Well, from time to time. This  
22 new driveway would be controlled by a traffic signal.

23 CHAIRPERSON GRIFFIS: And where is that  
24 signal? Does that also control Foxhall?

25 MR. WELLS: Correct. The proposal is to



1       add a new signal. Today there are signals on Foxhall  
2       to the north and Whitehaven to the south at  
3       Reservoir. We're proposing a new traffic signal at  
4       the school driveway.

5 CHAIRPERSON GRIFFIS: Okay.

6 MR. WELLS: So, again, similar to the  
7 Field School.

8 CHAIRPERSON GRIFFIS: And that's what that  
9 icon is on the proposed. Is that right?

10 MR. WELLS: That little guy right there is  
11 intended to indicate a signal.

12 CHAIRPERSON GRIFFIS: Is that also going  
13 to be traffic sensitive?

14 MR. WELLS: Demand activated. Yes. Which  
15 means that either through loop detectors or video  
16 detection, if there is no car waiting to turn left,  
17 there's no reason to turn on that phase.

18 CHAIRPERSON GRIFFIS: Right. Is the one  
19 just north of this demand activated?

20 MR. WELLS: I believe at Whitehaven it is  
21 fixed time. I believe at Field School it is demand  
22 activated.

23 CHAIRPERSON GRIFFIS: I've heard that's  
24 the longest light in the District, but nonetheless.

25 MR. WELLS: I think Ken Laden is here and

1 he's listening to you.

2 CHAIRPERSON GRIFFIS: Indeed.

3 Okay. So, if I understand then. What  
4 would keep cars queuing those three that you say is  
5 probably up to seven if available on Foxhall. The  
6 light? The signal? Or would it be that they couldn't  
7 enter into the school?

8 MR. WELLS: The short answer is the  
9 signal. The signal would operate on three phases.

10 First phase would be Foxhall Road would  
11 have the green indication in both directions.

12 Second phase is northbound Foxhall would  
13 receive a red indication. So, southbound traffic can  
14 turn safely in the left turn lane.

15 The third phase would be the school  
16 driveway. Traffic existing the driveway.

17 CHAIRPERSON GRIFFIS: Okay.

18 MR. WELLS: And the signal would not  
19 mindlessly go through all three of those phases at  
20 every cycle. At every cycle the vehicle detection --  
21 they're looking for the presence of vehicles either  
22 wanting to turn out of the school on to Foxhall or  
23 make the left turn.

24 CHAIRPERSON GRIFFIS: I see. So, for the  
25 non-engineers, basically if there's not a car waiting

1 to exit the school, then the signal won't give that  
2 green?

3 MR. WELLS: Well said.

4 CHAIRPERSON GRIFFIS: Okay. And then  
5 what's the speed limit at that intersection?

6 MR. WELLS: The post speed limit is 25  
7 miles per hour. That's at best a suggestion to the  
8 drivers.

9 CHAIRPERSON GRIFFIS: Yes. Is MPD here?  
10 Okay. There is it. What else?

11 MR. WELLS: Northbound traffic. And this  
12 was a matter of great interest to the neighbors.

13 Northbound traffic on this section of  
14 Foxhall Road also travels in two lanes. Signs direct  
15 through motorists to stay in the right lane to go  
16 through at Whitehaven. If you're in the left lane at  
17 Whitehaven, you're compelled to turn left. It's a  
18 mandatory left turn lane.

19 St. Patrick's proposes to maintain these  
20 two northbound lanes to Whitehaven Parkway and to  
21 improve the pavement markings and signage on Foxhall  
22 Road to more assertively and appropriately direct left  
23 turn traffic into the left lane and through traffic  
24 into the right lane.

25 Traffic turning right into the school

1 would have its own separate right turn lane. So,  
2 traffic turning right onto the school site would  
3 decelerate and turn right in its own lane without  
4 impeding northbound through traffic.

5 This blow up shows it in some detail. You  
6 can see two southbound through lanes. There's the  
7 left lane. This image highlights the northbound  
8 traffic which will travel in two continuous northbound  
9 lanes. You can see the third right turn lane which  
10 would drop into the school site.

11 This image also shows that there would be  
12 a single wide inbound lane to accept the school  
13 traffic. There, in fact, would be two outbound lanes,  
14 a left turn lane and a right turn lane. And as we've  
15 just discussed, this would all be controlled by a  
16 demand-actuated traffic signal.

17 With regard to onsite circulation, this  
18 image shows access an egress to and from the garage.  
19 Access to the garage would be provided by an 1,175  
20 foot, 22-foot wide, two lane loop road and that loop  
21 road would operate one way counter clockwise. his, as  
22 Sasaki pointed out, this is the garage driveway so  
23 motorists would come into the garage like this and  
24 leave like this.

25 The loop road would have the capacity to

1       stack 47 cars in one lane or 94 cars in two lanes.  
2       This is an embarrassment of capacity. It's more than  
3       enough capacity to meet the projected traffic demands.

4       Anticipate that traffic will not back up onto Foxhall  
5       Road. Middle school students would be dropped off and  
6       picked up on the right here. High school students  
7       would be dropped off and picked up on the left.

8                   This shows the familiar diagram of the 28,  
9       now 27 single family detached homes. Access to them  
10      is provided either directly from Hoban Road or from an  
11      extension of 45<sup>th</sup> Street.

12                  As you might be able to see here, right-  
13      of-way has already been platted in anticipation of 45<sup>th</sup>  
14      Street eventually being extended to the north across  
15      Hoban onto the former Brady Estate or 1801 Foxhall  
16      Road site.

17                  In this context diagram I'd like to point  
18      out that Hoban Road operates one way clockwise. So,  
19      residents of Colony Hill are able to enter their  
20      neighborhood from Foxhall Road either at Hoban or at  
21      45<sup>th</sup> Street. These residents are able to exit the  
22      community onto Foxhall Road at 45<sup>th</sup> or onto Reservoir  
23      Road from Hoban. With the extension of 45<sup>th</sup>, those  
24      access and egress choices would be the same for the  
25      new residents.

1                   Now DDOT and the ANC have recommended and  
2           I would concur with this recommend that the one block  
3           of Hoban Road from Foxhall to 45<sup>th</sup> be converted from  
4           one way eastbound or clockwise to a two-way street, so  
5           that would give the opportunity to both turn on and  
6           off of Foxhall Road from that segment of Hoban.

7                   St. Patrick's has or 1801 Foxhall has a 6  
8           point travel management plan. It includes a car pool  
9           initiative, a shuttle bus service plan, a parking  
10          solution plan, student driving initiative and  
11          controls, a walk bicycle initiative and staggered  
12          arrival and dismissal times.

13                  With regard to parking, 112 on-site  
14          parking spaces are required by D.C. regulations for  
15          the proposed school. St. Patrick's proposes to  
16          provide at all times 170 spaces in a single level  
17          below grade parking that Anthony described for us  
18          earlier.

19                  Up to 47 off peak spaces could be provided  
20          along the onsite loop road. This total of 217 spaces  
21          is nearly doubled the number of spaces required by  
22          regulation. The proposed parking supply will  
23          adequately peak school parking demands without  
24          spillover parking into adjacent neighborhoods.

25                  With regard to trip generation, the 440

1 St. Patrick's middle and high school students and 100  
2 faculty and staff would generate about 172 to 235 peak  
3 hour trips. This includes very significantly 146  
4 inbound trips during the A.M. peak hour. That's an  
5 important number that was agreed to amongst the  
6 community and St. Patrick's and Terry Armstrong will  
7 speak to that in a moment.

8 These estimates reasonably assume that  
9 about 38 percent of all middle and high school  
10 students will use the shuttle bus. Assumes an average  
11 vehicle occupancy of 1.75 students per vehicle which  
12 has consistently been achieved at the lower school  
13 campus. And that up to 20 percent of all high school  
14 students would drive if they earn the privilege and if  
15 they are accompanied by at least one other student.

16 This chart also shows that the estimated  
17 St. Patrick's general rates per student are similar to  
18 the trip generation rates that we actually observed  
19 and measured at the Field School. We think these  
20 estimates are conservative in at least three respects.

21 They do not account for the synergy between the lower  
22 school and the middle and upper school. We know today  
23 that roughly a quarter of the middle school students  
24 who attend classes at the MacArthur campus also have a  
25 sibling at the Whitehaven campus.

1                   They do not account for St. Patrick's  
2           parents who may actually use Foxhall Road today to  
3           commute to or from work.    If that is the case,  
4           obviously they could drop students off, maybe even  
5           pick them up.   Drop them off in the morning, maybe  
6           even pick them up in the afternoon on their way to and  
7           from work.

8                   And this also does not take credit for the  
9           trips, the modest number of trips generated by the  
10          current MacArthur campus.

11                   Twenty eight single family homes, now 27  
12          will generate about 17 to 28 peak hour trips. That's  
13          less than one trip every two minutes. It's a small  
14          number.    These estimates are based on standard  
15          Institute of Transportation and Engineers trip  
16          generation rates, the same rates used in the recently  
17          approved Phillips case.

18                   So, what does all this mean? In terms of  
19          peak hour traffic, the proposed school and residents  
20          would add about 117 to 167 peak hour trips to Foxhall  
21          Road north of Whitehaven Parkway. That's the two lane  
22          section. This application would make up about eight  
23          to nine percent of all trips on that link.

24                   The proposed school and residents would  
25          add about 23 to 25 peak hour trips to Foxhall Road



1 south of Reservoir. This application would account  
2 for only one to two percent of all traffic on that  
3 link of Foxhall.

4 In terms of delays, this application would  
5 add at build out, full enrollment, would add 12  
6 seconds of delay to motorists entering the Foxhall  
7 Road/Whitehaven intersection during the critical A.M.  
8 peak hour. Would have almost no effect during the  
9 P.M. peak hour.

10 At Foxhall and Reservoir this application  
11 would add about three to eight seconds of delays to  
12 motorists entering the intersection at Foxhall and  
13 Reservoir. These impacts I think by any measure are  
14 modest.

15 And I'd like to conclude by noting that  
16 the proposed on and off site improvements will safely  
17 and efficiently accommodate 1801 Foxhall traffic.  
18 The proposed travel management plan will appropriately  
19 manage that traffic.

20 I would note that DOT, the ANC, the  
21 Foxhall Community Citizens Association, the Colony  
22 Hill Neighborhood Association, the CAMOA Bears and  
23 others support this transportation plan and I would  
24 urge the Board to support it as well.

25 Thank you.

1                   CHAIRPERSON GRIFFIS:    Excellent.    Thank  
2   you very much.

3                   Questions?   Clarifications?   Mr. Mann.

4                   MR. MANN:    How will delivery and other  
5   service vehicles serve the school?

6                   MR. WELLS:    The service and delivery  
7   vehicles would use the loop road.  We will manage that  
8   to be during off peak periods, not when the car pool  
9   program is at its peak in the morning and the  
10   afternoon.  And the loading area, and Anthony correct  
11   me if I'm wrong, I believe is in this zone, in this  
12   area.

13                  MR. BARNES:  There are two if I can borrow  
14   this.

15                  We propose two loading areas as necessary  
16   based on needs.  There would be one right -- a loading  
17   bay just pulled in parallel to the roadway there to  
18   service the cafeteria.  And then there are two more  
19   loading bay opportunities right there on the loop  
20   road.  And it's a double wide road at that point.

21                  MR. MANN:    And there are school vehicles  
22   that would be stores on site presumably in the parking  
23   garage?

24                  MR. BARNES:  At the moment we don't expect  
25   there to be any.  But, yes, we would have enough

1 height to accommodate vans if the school owned them in  
2 the first tray of parking as you enter.

3 MR. MANN: And the reason I ask that  
4 because there was some mention of a shuttle bus so I  
5 assumed that was a school vehicle.

6 MR. WELLS: It may or may not be. It may,  
7 in fact, be a contract service. That has not been  
8 determined. The commitment is there to operate the  
9 system. And perhaps that could be operated in concert  
10 with other near by school. So, that detail hasn't  
11 been determined.

12 CHAIRPERSON GRIFFIS: What about visiting  
13 athletic buses that are coming in? Are they going to  
14 park on the circular road?

15 MR. WELLS: The loop road is probably the  
16 most appropriate place for visiting buses. It also is  
17 close to the athletic field.

18 CHAIRPERSON GRIFFIS: Anything else?  
19 Excellent.

20 Are we going to have those also today?  
21 Those slides?

22 MR. WELLS: Yes.

23 CHAIRPERSON GRIFFIS: Excellent. Okay.  
24 What else do we have?

25 MR. WELLS: Mr. Terry Armstrong, the chief

1 financial officer of the school will be our last  
2 witness.

3 CHAIRPERSON GRIFFIS: Excellent. It's  
4 appropriate you're the last word. Right?

5 MR. ARMSTRONG: They put me last at all  
6 the meetings.

7 CHAIRPERSON GRIFFIS: That's right.

8 MR. ARMSTRONG: People doze off.

9 CHAIRPERSON GRIFFIS: That's right.

10 MR. ARMSTRONG: I'm Terry Armstrong, Chief  
11 Financial Officer of the school. Thank you very much  
12 for the opportunity to address the Board on behalf of  
13 the school and the Friends of St. Patrick's.

14 In this statement I will discuss the  
15 Operations Plan we have developed as a result of our  
16 discussions with community representatives.

17 Since initiating the planning for this  
18 project two years ago, the school has had over 30  
19 meetings with neighborhood organizations and  
20 individuals. We've met with the ANC, with the Foxhall  
21 Community Citizens Association, Colony Hill  
22 Neighborhood Association, Friends of Whitehaven Park  
23 and countless numbers of individual conversations, e-  
24 mails and informal meetings with members of these  
25 groups.

1                   As part of our community outreach, the  
2                   Friends of St. Patrick's and the school have conducted  
3                   over a dozen tours of the site for neighbors and their  
4                   professional representatives.

5                   During our community meetings we have  
6                   engaged in detailed discussion of the school's future  
7                   operating plans. The school, working closely with  
8                   CHNA and Foxhall has developed a revised Operations  
9                   Plan we are discussing today.

10                  We appreciate the cooperation and hard  
11                  work of our neighbors in the development of this  
12                  operating plan and we are pleased that Colony Hill and  
13                  Foxhall citizens have accepted and agreed to the  
14                  operating plan.

15                  Also, as was mentioned earlier, the  
16                  Friends of St. Patrick's and the school have  
17                  established a website, 1801foxhall.com which was  
18                  established to the benefit of the community and it's  
19                  had over 1,000 visitors. On this site we've placed  
20                  the BZA filing documents, our environmental  
21                  assessments, archeological studies and other  
22                  information as it's become available so the community  
23                  could access that and see the work that was being  
24                  done.

25                  The Operating Plan itself covers issues

1 related to parking, school operations, student driving  
2 facilities and field use management. And I will  
3 mention some of the highlights of this plan.

4 As Marty mentioned, the inbound morning  
5 peak hour traffic is capped at 146 trips. This is an  
6 11 percent reduction from the school's original travel  
7 management plan and is reflective of our desire to  
8 work with the community and to minimize the traffic  
9 impact on the community.

10 The St. Patrick's Day School will require  
11 all students, employees and visitors to park on  
12 campus, even if they have a valid Ward 3 parking  
13 permit. We will establish a parking sticker program.

14 Students and employees who qualify will be required  
15 to register their vehicles and a parking sticker will  
16 be issued. No student can drive to the school without  
17 a permit and parking stickers may not be issued to  
18 students under 17 years of age.

19 For all events, visitor parking will be on  
20 the Foxhall campus or when additional parking is  
21 needed, parking will be permitted on the Whitehaven  
22 campus.

23 In the event that parking demand for an  
24 event exceeds this capacity, the school will arrange  
25 for satellite parking and shuttles to the campus. We

1 will use signage and if necessary personnel to direct  
2 visitors expected during sporting or other events to  
3 park on campus.

4 Students will not be permitted to drive  
5 off campus for lunch or during normal school hours  
6 except in case of emergency or to attend scheduled  
7 appointments.

8 The school will not permit students to  
9 walk off campus during the day except as required for  
10 academic activities. We will have a closed campus.  
11 However, the school reserves the right to return to  
12 the BZA to request approval of an open campus plan at  
13 such time in the future as the school deems it  
14 appropriate.

15 Students violating these requirements in  
16 parking and driving are subject to revocation of their  
17 driving privileges. And in the case of a repeated  
18 violation, to suspension or expulsion from the school.

19 Students and/or parents failing to abide  
20 by the travel management plans or these parking  
21 regulations may be denied re-enrollment to the school.

22 Games, practices and other organized uses  
23 of the field will not be scheduled to start after 5:30  
24 p.m. Practices and other organized uses of the field  
25 except games will conclude at the earlier of dusk or

1       7:00 p.m. Games, practices and other organized uses  
2       will not be regularly scheduled on Sundays and will  
3       not be held on Sundays unless required by the school's  
4       athletic league for make-up games involving the school  
5       or unless on an emergency basis.

6               The school will not install or permit to  
7       be installed lights on the field for nighttime  
8       athletic use. The school will not use or permit the  
9       use of sound systems or any amplified sound on or near  
10      the field.

11              We have agreed with the community that we  
12      will be permitted to use a temporary amplification  
13      system at special events no more than three times per  
14      year.

15              When the field and grounds are not being  
16      used by the school or the church, the school will  
17      permit neighbors to use the field and walk the grounds  
18      during reasonable hours and subject to reasonable  
19      rules and regulations.

20              We will not rent or permit outside  
21      individuals or groups to use the athletic fields  
22      except as noted.

23              The school is limited to 10 major non-  
24      athletic events. These events will conclude by either  
25      10:00 p.m. Sunday through Thursday or 11:00 p.m.



1 Friday and Saturday except for a limited number of  
2 late evening events.

3 We are further limited to five events per  
4 year that are not directly related to the business or  
5 activities of either the middle or upper school and  
6 for which the number of attendees is expected to  
7 exceed 50. None of these events will be held on the  
8 athletic field which is located closest to Colony  
9 Hill.

10 The school will be limited to five events  
11 during the summer that conclude after 7:00 p.m. and  
12 for which the number of attendees is expected to  
13 exceed 50. Again, these events will not be held on  
14 the athletic field.

15 The school will be limited to a maximum of  
16 six indoor, non-athletic evening events per year that  
17 conclude after either 10:00 p.m. Sunday through  
18 Thursday or 11:00 p.m. Friday and Saturday.

19 The school will be limited to a maximum of  
20 four outdoor, non-athletic evening events that  
21 conclude after 8:00 p.m. These events will conclude  
22 by either 10:00 p.m. Sunday through Thursday or 11:00  
23 p.m. Friday or Saturday. Only two of these events may  
24 conclude after these times and these events will not  
25 be held on the athletic field.

1                   The school will organize regular meetings,  
2 post construction, not less than semi-annually to  
3 maintain open communications with the community. The  
4 school agrees with residents that there may be times  
5 when more frequent meetings are necessary and we will  
6 work together to schedule these meetings as  
7 appropriate.

8                   Further, the school will not rent or  
9 permit outside groups to use the buildings.

10                  The school will not at this time operate a  
11 summer school or camp program. However, the school  
12 reserves the right to return to the BZA to request  
13 approval of a summer program or camp program at such  
14 time in the future as the school deems it appropriate.

15                  The Friends of St. Patrick's and the  
16 school believe that our proposed Operating Plan, as  
17 changed to reflect community comments, is reasonable  
18 and responsible. It is a plan which has been agreed  
19 by Foxhall Community Citizens Association and the  
20 Colony Hill Neighborhood Association. We believe it  
21 is sensitive to obligations to the surrounding  
22 community and to our desire to create a quality  
23 educational institution.

24                  Thank you.

25                  CHAIRPERSON GRIFFIS: Excellent. Thank

1       you very much.

2                       Questions?   Mr. Mann.

3                       MR. MANN:   You mentioned a couple of times  
4       that you'd like to reserve the opportunity to come  
5       back t BZA to request certain things.

6                       Are those items also covered in the  
7       agreements that you've signed outside of the purview  
8       of sort of the Zoning Board?

9                       MR. WELLS:   Yes.   This is consistent with  
10      the agreements we've made with the community.

11                      Mr. MANN:    So, if you would reserve the  
12      right to come back to BZA to request something, that  
13      means that we would have to impose some condition that  
14      would require you to come back.

15                      MR. WELLS:    If you adopt the Operating  
16      Plan as it's submitted, we would be required to come  
17      back.  It's in the Operating Plan.

18                      MR. MANN:    So, I guess then your request  
19      is that we adopt the Operating Plan precisely as  
20      submitted?

21                      MR. WELLS:    Correct.

22                      MR. MANN:    Okay.  Even though there may be  
23      items in there that are not necessarily mitigating  
24      factors that we would take into consideration?

25

1                   MR. WELLS: We've agreed to operate under  
2                   these terms and conditions with the community. And we  
3                   would prefer to have the BZA incorporate the Operating  
4                   Plan.

5                   MR. MANN: Okay. Can you tell me again  
6                   what you mean by a closed campus?

7                   MR. WELLS: It means that the students  
8                   will arrive in the morning. And unless they have a  
9                   need -- an academic need or a scheduled appointment,  
10                  they will not leave the campus until the close of the  
11                  day.

12                  MR. MANN: And you're not confining that  
13                  just to automobiles? You mean --

14                  MR. WELLS: I mean they won't walk off  
15                  either.

16                  CHAIRPERSON GRIFFIS: It's a lock down.

17                  MR. MANN: All right. Thank you.

18                  CHAIRPERSON GRIFFIS: To the modification  
19                  of -- you have to come back to us to modify this order  
20                  if it was approved in order to go to an open campus  
21                  only because the closed campus is part of the  
22                  Operating Plan?

23                  MR. WELLS: Correct.

24                  CHAIRPERSON GRIFFIS: Okay. I think Mr.  
25                  Mann was stepping into a concern that the Board has

1 had in numerous applications, especially special  
2 exceptions, of course. And that is when we condition  
3 something, certainly we are able to incorporate  
4 proffered conditions. And we perhaps take less time  
5 to go through all those, but on all of them there's a  
6 basic need for us to understand at least what the  
7 adverse condition it is trying to eliminate or  
8 mitigate.

9 So, with that, open and closed. I think  
10 maybe we have some questions on that. I have some  
11 specific questions on the outside use. You indicated  
12 that the field were not to be used except as noted for  
13 outside users. I'd like to know a little bit about  
14 who those outside users might be and why it would need  
15 to be or how it is limited.

16 Also, the buildings. You've indicated  
17 that they would not be rented or used by outside  
18 users. I think we've seen in the city in the past  
19 several years, the need for and the benefits for  
20 sharing facilities, especially something as grand as  
21 what's happening here. So, I think the Board probably  
22 needs a little bit more detail on why this has been  
23 such an accepted condition as part of the plan.

24 MR. FEOLA: If I might, Mr. Chairman. I  
25 think what we are creating here is a school out of

1 nothing. And there's no -- there's nothing there to  
2 test it against. And I think the community is  
3 correctly concerned about not that summer camps are  
4 bad things or that use of outside facilities might be  
5 bad things. But there is so much happening on this  
6 site that has been pristine for so long that they have  
7 taken a position which I don't think is inappropriate,  
8 to let's do this in stages. Let's see how the school  
9 goes and let's see if the school can manage itself  
10 before we allow it to expand to see if it could also  
11 have some other sharing facilities or use of the  
12 athletic field.

13 And I don't think that's an inappropriate  
14 position to take to judge an adverse impact. And if  
15 this were an existing school that was already  
16 operating and everybody could say was operating  
17 according to everything was okay, it would be a  
18 different scenario. So, I think there's a concern  
19 that we're trying to fit into and before we go open up  
20 a summer camp, we want to make sure and the community  
21 wants to make sure that we can operate the school like  
22 we said we could.

23 CHAIRPERSON GRIFFIS: That's fine. And  
24 I'm not looking to push all those participants in this  
25 application in a direction that they haven't already

1       taken. However, I disagree with you limitedly on some  
2       of your comments in that this may be a new site, but  
3       this is not a new function. I mean, Mr. Barrett who  
4       took a year sabbatical setting best practices,  
5       certainly understands how others function.

6               Certainly this board has maybe a limited  
7       but some idea of the other functions. I guess I just  
8       don't -- it seems to me that too often it seems it's a  
9       negative occurrence that I have heard sitting here in  
10      this position that these schools aren't being able to  
11      be used for anything else. So, it's like of shuttered  
12      and closed when just the enrolled students aren't  
13      there. Just to put it out there.

14             I mean, I think we all know one perfect  
15      example or maybe we don't all. But it resonates in my  
16      mind when we have the sniper incident that was running  
17      around and there was a need for interior space. And  
18      there was not enough in ample space for the  
19      surrounding schools, surrounding neighborhood or  
20      afternoon activities. Is that something that would be  
21      precluded? I guess that's what it is is more of the  
22      irrational episodes rather than certainly insuring  
23      that we are continually pristine. But that's just my  
24      limited opinion on that.

25             Okay. But let's talk about the athletic

1 field then. Obviously, it's being built and the  
2 primary use is for the school's athletic program.

3 This 7:00 hour again, help me understand  
4 that so I can gain a little bit of overtime match.  
5 7:00 comes. The whistle blows. Everyone leaves the  
6 field.

7 MR. WELLS: The way the Operating Plan is  
8 written, and I may not have articulated it clearly in  
9 my statement. We recognize in the Operating Plan that  
10 games are a little bit difficult because the official  
11 shows up late or the game goes overtime as you  
12 suggest. And so the games are not restricted to  
13 ending at those times. What we've committed to ending  
14 at 7:00 p.m. are scheduled practices and organized  
15 events that we can control that --

16 CHAIRPERSON GRIFFIS: I see.

17 MR. WELLS: -- I think we can manage.

18 CHAIRPERSON GRIFFIS: Okay. And as it  
19 reads, practices or other organized uses of the field,  
20 except for game, will conclude at early dusk or 7:00  
21 p.m. So, that's insuring that --

22 MR. WELLS: Correct.

23 CHAIRPERSON GRIFFIS: -- in the middle of  
24 a penalty shot the whistle doesn't blow and we all  
25 have to go home?



1 MR. WELLS: Yes. We're not --

2 MR. FEOLA: Only if it's the other team  
3 taking the penalty shot.

4 CHAIRPERSON GRIFFIS: That's right. Yes.  
5 That is the home field advantage there. Okay. All  
6 right.

7 Again, and you know, just having this just  
8 in front of us, I haven't read through extensively all  
9 of these but I wanted to bring that to light because  
10 Mr. Mann I think was appropriately going in that  
11 direction. Two levels that we need obviously is a  
12 base understanding of what the conditions are and two  
13 that base understanding of what it is trying to  
14 mitigate or address.

15 MR. WELLS: Sure.

16 CHAIRPERSON GRIFFIS: Okay. Anything else  
17 then?

18 COMMISSIONER PARSONS: I just have some  
19 general questions.

20 CHAIRPERSON GRIFFIS: Excellent.  
21 Excellent. Anything? Other witnesses, Mr. Feola?  
22 That would be good. Thank you very much. We do  
23 appreciate it. We're going to go to Mr. Parsons'  
24 quick questions, I think, generally. You wanted to  
25 sum up the case presentation now or do you want --

1 MR. WELLS: I can do that.

2 CHAIRPERSON GRIFFIS: -- or are you  
3 wanting to make a concluding statement at the end of  
4 the hearing? You know, wrap this up.

5 MR. WELLS: I'd like make a concluding  
6 statement at the end. There are a couple of points I  
7 wanted to make as part of the direct presentation.

8 CHAIRPERSON GRIFFIS: Okay. Good. We'll  
9 take Mr. Parson's quick questions and then to give  
10 everyone a quick idea of when our blood goes back into  
11 our legs. We'll take a break after this and then  
12 we'll come back after a lunch break and we'll do cross  
13 examination of all the witnesses so people can kind of  
14 get their questions together. We'll bring the entire  
15 panel back. We'll go quickly into Government reports  
16 because I note that we do have quite a few  
17 representatives here that we need to get to. And then  
18 we'll move on.

19 Okay.

20 COMMISSIONER PARSONS: Mr. Feola, there's  
21 three diagrams showing lots A, parcel A, parcel B,  
22 parcel C.

23 MR. FEOLA: Yes.

24 COMMISSIONER PARSONS: Who will manage and  
25 operate parcel B?

1                   MR. FEOLA:   That will ultimately be the  
2   school.

3                   COMMISSIONER PARSONS:    Okay.    In the  
4   Phillips Park case, in the order of that case, it  
5   states "The Applicant shall take measures to control  
6   soil erosion to protect the natural drainage channel  
7   and the adjacent parkland subject to the approval of  
8   the District of Columbia, Department of Health.  And I  
9   wondered if you would have objection to that being  
10  included in this order?

11                  MR. FEOLA:   Not at all.

12                  COMMISSIONER PARSONS:   Thank you.

13                  CHAIRPERSON GRIFFIS:   Good.

14                  MR. FEOLA:   I'd just like to talk briefly,  
15   very briefly about some of the other results of what  
16   I've seen as an extraordinary community outreach and  
17   an outreach of Government agencies as well, in  
18   addition to the things that Mr. Armstrong talked  
19   about.  And I'd just repeat some of the things you've  
20   heard, but the project now has morphed into something  
21   that, I think, is even better than it was when we  
22   started and we were pretty proud of it when we  
23   started.

24                  We   dropped   an   interior   lot   as   it  
25   approaches the park in the northeast corner.  As Mr.

1 Barnes said, we re-routed the residential sanitary  
2 sewer connection into a public line on Hoban Road.  
3 We've created the six point traffic management plan  
4 you've heard Mr. Wells and Mr. Armstrong talk about.  
5 We've revised the Foxhall Road entrance and specific  
6 consultation with the neighbors and DDOT. We've  
7 created this 25 foot no build zone around the  
8 ephemeral stream in the southern Dell. We've  
9 increased the side and rear yard setbacks abutting the  
10 parkland. We've moved all retaining walls back from  
11 the parkland 18 inches. So, there are some physical  
12 things that have come out of this outreach that I  
13 think have made the project a better and more whole  
14 project. And we're please then that OP, DDOT and the  
15 ANC support this application, as well as the Foxhall  
16 Citizens Community Organization and the previously  
17 opposed parties.

18 With that, I'd like to save a little time  
19 for rebuttal and concluding remarks. That ends our  
20 direct.

21 CHAIRPERSON GRIFFIS: Absolutely. Okay.  
22 Good.

23 And well done. I think that's an awful  
24 lot of information we've gotten.

25 And the last question just for

1 clarification on this reserving the right piece,  
2 because it's a little odd.

3 Let me understand. If we were to  
4 incorporate language close to that or maybe of that.  
5 What you're saying is, you don't want to be dealt with  
6 when you bring a new special exception or a change or  
7 whatever, the new application for this, you don't want  
8 to have to address the fact that someone says you said  
9 you wouldn't do that. Is that correct?

10 MR. FEOLA: We're making it clear in our  
11 agreement with the community that this is an agreement  
12 we're making but that we have the right to come back  
13 and request changing that and they've agreed to that.

14 CHAIRPERSON GRIFFIS: So, my understanding  
15 is that clearly you haven't promised that that's a  
16 permanent situation --

17 MR. FEOLA: Correct.

18 CHAIRPERSON GRIFFIS: -- but it may in  
19 fact fluctuate? So, we're not creating another  
20 process of some sort that you guys have some sort of  
21 different treatment and that we've reserved a place  
22 for you to --

23 MR. FEOLA: No.

24 CHAIRPERSON GRIFFIS: Because that would  
25 be very difficult. Okay.

1 I think we're at a good breaking point  
2 now. Let's take a quick lunch.

3 Yes?

4 MR. FEOLA: We could submit the PowerPoint  
5 and some other materials if you care to look at that.

6 CHAIRPERSON GRIFFIS: I think we should.  
7 Let's have that in. We'll get that as we're taking a  
8 break so we save everyone's time. Let's have that  
9 obviously to the parties and the ANC so they have that  
10 as part of their cross.

11 And we'll reconvene. We're at 12:15 now.  
12 Give us some time to look at this while we grab  
13 something to eat. We will reconvene at 1:30 and go  
14 right into cross.

15 MR. FEOLA: With the Chair's permission,  
16 one of the exhibits we're going to submit right now is  
17 not indifferent from what's in all the previous books.  
18 But we thought all the illustrated plans should be in  
19 one place and marked as one exhibit so the Zoning  
20 Administrator hopefully will have something to look at  
21 as opposed to paging through books.

22 CHAIRPERSON GRIFFIS: Excellent.

23 MR. FEOLA: Just so you know. Thank you.

24 CHAIRPERSON GRIFFIS: Good organization.  
25 Thank you. We'll see you shortly.

1                   (Whereupon, the hearing was recessed at  
2       12:21 p.m. to reconvene at 1:41 p.m. this say day.)  
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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 1:41 p.m.

3 CHAIRPERSON GRIFFIS: Very well.  
4 Hopefully, everyone got a few moments of sunshine.  
5 Let's resume our case and hearing today.

6 And we were going to go directly into  
7 cross examination, but you have something else in  
8 mind.

9 MR. FEOLA: If I may, Mr. Chairman, I'd  
10 like to enter into the record the talking points that  
11 Mr. Barnes spoke of with regard to porous paving. In  
12 addition, there's a letter from -- GeoTech.

13 CHAIRPERSON GRIFFIS: And the EPA study?

14 MR. FEOLA: And the EPA --

15 CHAIRPERSON GRIFFIS: Okay.

16 MR. FEOLA: -- position paper on it.

17 CHAIRPERSON GRIFFIS: Excellent.

18 MR. FEOLA: If that's okay? And then  
19 we're ready for cross examination.

20 CHAIRPERSON GRIFFIS: Good. Why don't we  
21 do that then.

22 Does the ANC have any cross? Ms. Gates?  
23 Excellent.

24 MS. GATES: I suppose this is appropriate  
25 for Mr. Barnes.



1                   One of your slides showed this number 26  
2                   space. It shows the Phillips Estate to the north.

3                   MR. BARNES: Yes.

4                   MS. GATES: Can you tell us how this site  
5                   relates to the recently approved Phillips Estate? And  
6                   what the environmental impacts will be on Whitehaven  
7                   Park now that we'll have this everything going into  
8                   Whitehaven from this St. Patrick's site. I'm not  
9                   quite sure what the directional flow is from the  
10                  Phillips Estate. But my question is, will flooding  
11                  the wetland stream in Whitehaven Park?

12                  MR. BARNES: I thank you. It's a good  
13                  question and I'd be happy to address it.

14                  The drainage problems in the Phillips site  
15                  which is largely a bowl that drains towards the  
16                  southeast substantially are confined to the existing  
17                  wetland area. There is in the Phillips property which  
18                  is right there and its wetland buffer area which you  
19                  see rendered in green at this point. There is a  
20                  little bit of offside drainage to the east side, but  
21                  it really is minimal and, of course, there's some  
22                  drainage down W Street to the north which is handled  
23                  by an existing storm water management system, storm  
24                  water pipe anyway that runs into the park.

25                  So, the drainage in this point is both

1 controlled for quantity and quality with two outflows  
2 into the wetland here so I'd like to suggest that  
3 because of the quantity storage which was rendered  
4 higher than D.C. standards, that it is indeed feeding  
5 that stream rather than flooding it.

6 All of the water from this part of the  
7 site currently comes through the stream anyway because  
8 it is the natural outflow point and collection point.

9 So, it continues to receive that same amount of  
10 water. On the St. Patrick's side  
11 there's actually a mini-continental divide that runs  
12 down through the edge of the field and through the  
13 ridge through the old mansion site as this point. So,  
14 in fact, close to one half of the site actually drains  
15 off through the southern swale through another stream  
16 that ends directly in foundry branch, the stream  
17 that's actually in the park to the east here, just a  
18 few hundred yards away.

19 The northern part of the site currently  
20 does all drain down into the wetland that exists  
21 within Whitehaven Park now and will continue to do so.

22 And so the storm water management systems of which we  
23 have two that catch the water from these areas here  
24 will continue. I would like to say feed rather than  
25 flood that stream because we do have quantity and

1       quality control and there's further natural quality  
2       control because these outfalls are higher up in the  
3       Dell situation here.

4                   MR. BARNES:   You mentioned earlier that  
5       there would be 17 feet of fill in the southern swale.

6       Now, we do have this natural divide on the property.

7       How will the flow to the southern swale be handled  
8       given the retaining walls and the fill? And what are  
9       the implications here for excessive amounts of silt?

10                  MR. BARNES:   Perhaps I can ask Edith to  
11       move to the -- could you just get a regular site plan  
12       up here?

13                  The drainage conditions for the southern  
14       part of the site and that little divide as I mentioned  
15       earlier runs through here. All of this area of the  
16       site currently drains through the southern swale and  
17       leaves the site at this little ephemeral stream right  
18       here which is a small mostly dry ditch that's probably  
19       18 inches in diameter at present. It's not really an  
20       erotic condition and it wouldn't be when we're done  
21       either.

22                  The 17 feet of fill is our most extreme  
23       case over here and the fill is probably reduced to  
24       about six feet by the time you get to the road over  
25       here. So, it's a lessening fill condition as you go.

1 All of these areas will still drain as they do now  
2 out through that stream system feeding the stream  
3 system that's there now because we have both quantity  
4 and quality control here. You know, once again the  
5 provisions are beyond the District's requirements and  
6 that outfall is right here at the head of the  
7 ephemeral stream right now.

8 So, the retaining walls and the grading  
9 there are really just to control conditions within the  
10 site for the three reasons I mentioned earlier. They  
11 should have no net effect on the way in which the  
12 water leaves the site because the requirements are  
13 quite exacting about how you control the quantity and  
14 so on.

15 I'll also mention that because the field  
16 is considered impervious and all that water is  
17 gathered, there's certainly no contaminants there and  
18 in cases of good sized storms, there's actually all  
19 this clean water coming off the field which actually  
20 is mixed with the other water that has to deal with  
21 contaminants as it flows off the site.

22 MS. GATES: And will there be individual  
23 storm trenches for each of the property owners?

24 MR. BARNES: Not so much a storm trench.  
25 Because the storm water management system is designed

1 in quantity storage to deal with the needs of outflow  
2 of each of the sites, there would be a storm water  
3 management connection in each site so the down spouts  
4 and patio drains could go into them. And, of course,  
5 the alleys and the roadways would end up in that same  
6 system.

7 MS. GATES: But we're talking about  
8 covering the site that drains naturally now into both  
9 Whitehaven and Grover Archibald Park. We're talking  
10 about covering it with 50 percent impervious surface.

11 Will there be impacts on the parks? I  
12 mean, I've asked you that before, but I really am not  
13 convinced that 50 percent coverage isn't going to have  
14 an impact.

15 MR. BARNES: Well, you're right. When one  
16 develops land, there are inevitably -- there's a  
17 change in the condition in which, you know, the water  
18 is collected and so on.

19 All I can say is that with the 50 percent  
20 impervious demands considered with the engineering  
21 that went into the storm water management design, we  
22 are exceeding the District's projected requirements to  
23 control both the volume and the quality of the water  
24 that is leaving -- certainly the volume of the water  
25 that is leaving the site.

1                   In a huge storm event, you know, if one is  
2     talking about the 250 year storm that I mentioned  
3     earlier, there is no question the water will leave the  
4     site quicker than it does not. This is inevitable in  
5     any development in any area.

6                   Scott Roser if you have something to add,  
7     chime in at anytime. Our storm water management  
8     engineer.

9                   MR. ROSER: My name is Scott Roser. I'm  
10    with the consulting firm of Macris, Hendricks and  
11    Glascock.

12                  The sand filters that we're proposing do  
13    in some sense mimic the run-off conditions in that  
14    they retain the water for a long period of time. And  
15    the water that's held in the sand and gravel columns  
16    slowly reach out in some sense mimicking what you  
17    would have from a ground water outflow.

18                  And, in addition, the extended detention  
19    we're proposing also slowly release the run-off from  
20    the site more than what the District requirements are.

21                  MS. GATES: Thank you. I'm finished.

22                  COMMISSIONER PARSONS: Maybe I could jump  
23    in on this.

24                  In the companion development, Phillips to  
25    the north, maybe you weren't involved in that one. We

1       came to the conclusion and had it in the order as I  
2       recall, no more than two cubic feet a second would  
3       come out of the estate, if you will, into the park.  
4       Is that something you could achieve here?

5                   MR. ROSER:  It would depend on the -- I'm  
6       not sure exactly under what frequency you're referring  
7       to.  My recollection on the design is if the two-year  
8       event were less than that and we're way less than that  
9       for the one-year event.

10                   The fifteen-year event I'd have to check  
11       to see if we can reasonably stay below that number.

12                   COMMISSIONER PARSONS:  I'd like to  
13       consider such a condition here but not negotiate  
14       across the table here since we were able to achieve  
15       that there.  Could you take a look at that?

16                   MR. ROSER:  Yes.  If I could see the  
17       specific condition, I could fairly easily determine  
18       whether or not we could comply with that.

19                   CHAIRPERSON GRIFFIS:  Well, why don't we  
20       start with what's being proposed.  You have those  
21       calculation.  Correct?  MR. ROSER:  I do.  And they've  
22       been submitted.

23                   CHAIRPERSON GRIFFIS:  Okay.  So, we can  
24       start at the baseline of what is actually being  
25       proposed for this one up to even the 150 year event.

1 Kind of fascinating time period. Where are we going  
2 to find that?

3 MR. FEOLA: He's going to get that.

4 CHAIRPERSON GRIFFIS: But we have it in  
5 already. Correct? I mean, it's been submitted?

6 MR. FEOLA: I don't believe so.

7 CHAIRPERSON GRIFFIS: Okay.

8 MR. FEOLA: I think what Mr. Roser was  
9 suggesting. He submitted it to DOH as part of their  
10 normal --

11 CHAIRPERSON GRIFFIS: Oh, I see.

12 MR. ROSER: This is pre-development  
13 review.

14 MR. FEOLA: Yes. This was submitted to  
15 DOH. Copies are also provided to the ANC you know.

16 CHAIRPERSON GRIFFIS: Okay. When we  
17 figure out where that is, we can make copies of it and  
18 we can get it up here and we'll take a look at it.

19 COMMISSIONER PARSONS: I didn't want to  
20 interrupt the flow here. I mean, we got all afternoon  
21 to answer that.

22 CHAIRPERSON GRIFFIS: You've thrown us way  
23 off track, Mr. Feola. We had a rhythm going here.

24 Let's move ahead then.

25 MR. FEOLA: My colleagues won't forgive



1 me. Let's move on.

2 CHAIRPERSON GRIFFIS: But a simple  
3 calculation on however you do, one, two, fifteen,  
4 twenty-five, fifty, whatever.

5 MR. FEOLA: Yes. It's all here.

6 CHAIRPERSON GRIFFIS: Okay. Good. Any  
7 other follow up questions from the Board?

8 Let's move ahead then. Does any of the  
9 other parties--

10 MS. GATES: I'm sorry.

11 CHAIRPERSON GRIFFIS: Yes. Indeed.

12 MS. GATES: I forgot Marty Wells.

13 CHAIRPERSON GRIFFIS: How could you forget  
14 Mr. Wells?

15 MS. GATES: I'm back.

16 CHAIRPERSON GRIFFIS: Mr. Wells.

17 MS. GATES: I want to preface this with  
18 the Board that the Foxhall Road plan that was shown  
19 today is different from the plan the ANC considered.

20 The earlier plan showed a narrowing of the  
21 northbound lane at the school driveway. What is being  
22 proposed and I'm not opposing this. I'm simply asking  
23 some questions about it, leave the current  
24 configuration place.

25 Mr. Wells, I guess my first question would

1 be. Are you aware of the danger currently facing  
2 motorists traveling north as you mentioned that 25  
3 miles per hour is only a suggestion on Foxhall Road  
4 and what happens when two cars reach Whitehaven  
5 Parkway at the same time and are suddenly faced with  
6 one lane?

7 MR. WELLS: I'll answer that by first  
8 going to an image that we showed earlier of that  
9 intersection of Foxhall and Whitehaven.

10 UNIDENTIFIED PERSON: Do you want the  
11 detailed one? The slide?

12 MR. WELLS: No. It's the photo.

13 UNIDENTIFIED PERSON: Can you tell me  
14 what the number is?

15 MR. WELLS: I've got it 38 in my -- it's  
16 2.

17 I know I'm interrupting the flow here, but  
18 -- There.

19 I'll speak directly to the point of danger  
20 in just a moment, but I think the condition that is  
21 being referred to here is that in the northbound  
22 direction if you're in the right lane, you continue  
23 through. You can see the through lane on the other  
24 side of Whitehaven Parkway.

25 If you're in the left lane here, you're

1       compelled to turn left here. In other words, you  
2       cannot go through. You can see how it tapers from  
3       four lanes to two lanes.

4               This has sometimes been, I think,  
5       incorrectly called a head-on condition. There's no  
6       head-on condition in the sense that there's a clear  
7       travel path here for the southbound traffic, which  
8       does not align with the left turn lane.

9               What we're proposing is to basically  
10      augment what is there today to retain the two lane  
11      configuration but to better sign and have better, more  
12      appropriate pavement markings. I think, Edith, you  
13      had a slide that showed our suggested -- I know this  
14      is terribly difficult to read. But if you will bear  
15      with me. We're suggesting different signage here to  
16      make it very clear that the right lane is a through  
17      lane and the left lane is a left turn lane. You don't  
18      have to read anything. You don't have to understand  
19      English. All you have to understand that these arrows  
20      point you in the appropriate direction.

21              MS. GATES: Would it be on the pavement  
22      or --

23              MR. WELLS: Excuse me. And then we're  
24      suggesting additional arrows, left turn arrows, and  
25      then additional lane lines to emphasize that left turn

1 lane.

2 And on the subject of danger, I did go  
3 back and look at the accident history here. A concern  
4 here is that somebody in the left lane may not  
5 understand I'm supposed to turn left and they may make  
6 an abrupt movement, side swipe a car beside it.

7 The metropolitan police tell us that in  
8 2003 there was only one accident at this intersection  
9 involving property damage.

10 In 2004 there were two accidents.

11 2005 there were three accidents.  
12 Fortunately, only one of them involving injury. So,  
13 it is not a dangerous intersection. I think it's  
14 something -- the lane arrangement is something we have  
15 to be mindful of and make more clear what is intended  
16 of drivers. So, that was our thinking.

17 MS. GATES: I would like to put on the  
18 record it is a very dangerous intersection. And it is  
19 clearly practice for cars in that left lane to speed  
20 up and pass at that intersection.

21 We've ben trying to get DDOT to do  
22 something and we thought we had found the answer.  
23 However --

24 CHAIRPERSON GRIFFIS: What's the answer?

25 MS. GATES: Having the road narrow further

1 back. That did not meet with the communities --

2 CHAIRPERSON GRIFFIS: I see.

3 MS. GATES: They felt they wouldn't be  
4 able to get out of their driveways.

5 CHAIRPERSON GRIFFIS: I see.

6 MS. GATES: Which may well be true. But  
7 it is a very -- I think it's -- it's not an accident  
8 waiting to happen because it's already happened. But  
9 it is a very dangerous --

10 CHAIRPERSON GRIFFIS: Right.

11 MS. GATES: -- intersection.

12 CHAIRPERSON GRIFFIS: Good. I think  
13 that's excellent to bring to this forum. Obviously, I  
14 haven't heard you make the statement. You haven't  
15 presented your case yet. But I don't see anything  
16 presented today that this project is actually creating  
17 that condition.

18 MS. GATES: Correct.

19 CHAIRPERSON GRIFFIS: But obviously we  
20 have some ability as we're looking at the road  
21 realignment here and Mr. Laden in our presence, so  
22 that you can make your point.

23 MS. GATES: Thank you.

24 CHAIRPERSON GRIFFIS: Okay. Good.

25 MS. GATES: Thank you.

1                   CHAIRPERSON GRIFFIS: Anything else from  
2 the ANC? If there's nothing else in the cross  
3 examination, let me ask for all those parties that  
4 have cross examination questions to come up at this  
5 point.

6                   Parties?

7                   You're not on the record, so I'll try and  
8 answer you and have your question.

9                   The point is whether a point can be made  
10 now in rebuttal to or addressing the issues at hand?  
11 No. This is straight cross examination. We need to  
12 call witnesses, hard-hitting questions on their  
13 testimony.

14                  If you like, whatever. It's up to you or  
15 you can take a time -- a moment in your case  
16 presentation or whatever you would like. Okay.

17                  Is there any cross questions of the three  
18 parties?

19                  Opposition? None. Very well.

20                  I know, but I can't have you. You have to  
21 be on the mike. That's right. You're still a party.

22                  UNIDENTIFIED PERSON: We're not in  
23 opposition.

24                  CHAIRPERSON GRIFFIS: That's okay.

25                  I'll call you up for statements. No

1 problem at all. Okay.

2 I'm just not used to having a school with  
3 no cross. So, I'm trying to get comfortable with  
4 that.

5 MR. WELLS: We always like to throw you a  
6 wrinkle and keep you off --

7 CHAIRPERSON GRIFFIS: Indeed.

8 That being said then, that is the case in  
9 chief of the Applicant. We now would go to the ANC.  
10 I'm going to ask the ANC's indulgence if we could, you  
11 know, call the District agencies first and then go to  
12 the ANC and then the last District agency would be the  
13 Office of Planning if that is amenable to the Office  
14 of Planning as they're used to sitting through out  
15 exciting hearings.

16 With that then, why don't we bring up  
17 DDOT. I believe we have DOH also represented. Am I  
18 correct? Excellent.

19 Why don't I have all of -- why don't I  
20 have the two agencies up to the panel at this time  
21 then.

22 We'll start with DDOT.

23 Make note for those participants. Our  
24 record indicates that Exhibit 60 and Exhibit 80 are  
25 submissions from the Department of Transportation of

1 the District of Columbia. The Department of Health  
2 has also submitted Exhibit 74. You can make reference  
3 to that and we will also pull them up.

4 Good afternoon.

5 MR. LADEN: Good afternoon, Mr. Chairman.

6 I was not sworn in at this morning's  
7 session. I don't know if we need to go through that  
8 formality?

9 CHAIRPERSON GRIFFIS: Excellent. That  
10 would be great. Actually, with that, if you would  
11 stand and give your attention to Ms. Bailey, she'll  
12 swear you in. If anyone else that is planning to  
13 participate this afternoon that was not sworn in this  
14 morning could stand and give your attention to Ms.  
15 Bailey if you're going to address the Board with  
16 testimony.

17 MS. BAILEY: Would you please raise your  
18 right hand? Do you solemnly swear or affirm that the  
19 testimony that you are about to give will be the  
20 truth, the whole truth and nothing but the truth?

21 CHAIRPERSON GRIFFIS: Excellent. Very  
22 well.

23 I would note your last submission is  
24 Exhibit 84, I believe. It is our Exhibit. It's dated  
25 June 9<sup>th</sup>. Is that what your records also show?



1 MR. LADEN: That is correct.

2 CHAIRPERSON GRIFFIS: Good. Thank you  
3 very much.

4 MR. LADEN: Thank you members of the  
5 Board. My name is Ken Laden. I'm the Associate  
6 Director for Transportation Policy and Planning in the  
7 D.C. Department of Transportation.

8 We have been working with both the  
9 Applicant and various community groups within the  
10 neighborhood to try to review this application, come  
11 up with some recommendations and suggestions that we  
12 thought would help improve traffic conditions in the  
13 neighborhood.

14 I think our first testimony was forwarded  
15 in February. And as you just mentioned, there was a  
16 subsequent correspondence forwarded on June 9<sup>th</sup> which  
17 reflected some of the changes that have been described  
18 at the morning session for this particular case.

19 Particularly, we are looking at the right  
20 turn lane for northbound traffic as a means of getting  
21 that turning vehicles out of the main travel lanes and  
22 thereby hoping to reduce congestion and reduce the  
23 potential for accidents.

24 In looking at the overall application, I  
25 think we're very supportive of what the school has

1        attempted to do or the Friends of St. Patrick's has  
2        attempted to do in terms of addressing traffic  
3        concerns, trying to reduce the number of automobile  
4        trips, coming up with designs that would improve both  
5        vehicular circulation as well as pedestrian  
6        circulation in the area.

7                We're happy with the internal road system  
8        in that it does provide adequate room for cars to que  
9        and not be extended out into the travel lanes.

10               We like the idea of the demand activated  
11        traffic signal. And, again, the latest edition, this  
12        proposed right turn lane, which would be located  
13        within the District's right-of-way we think is a good  
14        compromise solution that would help keep traffic  
15        moving safely throughout the neighborhood.

16               I really don't have any prepared statement  
17        other than just to reflect what we've previously  
18        provided in written testimony. So, at this point, I'm  
19        available to try to answer any questions the Board may  
20        have or anyone else may have regarding traffic issues  
21        on this particular case.

22               CHAIRPERSON GRIFFIS:    Excellent.    Thank  
23        you very much.

24               We do appreciate you being present for  
25        questions and also to present your analysis.

1                   Is it your understanding in this right  
2                   turn lane that has been spoken about that the sidewalk  
3                   would continue along and adjacent to that side?

4                   MR. LADEN:    Correct.    The sidewalk would  
5                   move in slightly closer to the Applicant's property.  
6                   But, yes.    We would expect the six-foot wide sidewalk  
7                   to continue throughout the entire frontage of Foxhall.

8                   CHAIRPERSON GRIFFIS:   And did you have an  
9                   opportunity in all that was being put together here in  
10                  terms of this tree planting plan along the public  
11                  right.    Have you looked at that and would that change  
12                  the site lines or in any way disrupt your support or  
13                  the street alignment on that intersection or at that  
14                  intersection?

15                  MR. LADEN:    No.       I have not looked  
16                  specifically at the street tree proposal and we would  
17                  probably want to have our traffic -- I'm sorry, our  
18                  urban forestry group take a look at the street tree  
19                  proposal as well as our traffic services folks.

20                  I think one of the things we've stated in  
21                  our testimony is as the Applicant prepares the design  
22                  plans for the right turn lane for the traffic signal  
23                  for the sidewalk, we would like to see copies of the  
24                  design plans.   And at that point, we can comment on  
25                  specific tree locations or specific tree types.

1                   I can't envision it providing any  
2           significant problems if you've got sort of a small  
3           green space after the curb lane. And then you've got  
4           a six-foot wide sidewalk. Then you've got street  
5           trees planted. It should prevent it -- you know,  
6           shouldn't provide any sort of significant problem in  
7           that we typically have street trees right at the curb  
8           line throughout the city.

9                   CHAIRPERSON GRIFFIS: Excellent.

10                  MR. LADEN: Okay.

11                  CHAIRPERSON GRIFFIS: And in your analysis  
12           there was no difficulty in terms of the residential  
13           ingress and egress vehicular on the Hoban Road, that  
14           singular entrance?

15                  MR. LADEN: Well, again, it's always a  
16           challenge I think to pull out into Foxhall Road,  
17           especially at certain times of the day. But we don't  
18           think adding the additional traffic coming out of  
19           these new residential units would provide a  
20           significant challenge. And, again, there are several  
21           different alternatives for traffic to get in and out  
22           of that new residential development.

23                  So, the short answer is no. I don't think  
24           it will present any significant problems.

25                  CHAIRPERSON GRIFFIS: Okay. Excellent.

1 Any other questions? Follow-up from the  
2 Board? Okay. Very good.

3 Let's go straight for cross.

4 Mr. Feola, questions? No questions.

5 Ms. Gates, the ANC? Parties? Any  
6 questions? Yes? Come on up.

7 MR. HEBERT: My name is Jay Hebert, again,  
8 1717 Foxhall.

9 Mr. Laden, I just wanted to confirm DDOT's  
10 position with respect to the two lanes northbound,  
11 Foxhall in between the school entrance and Whitehaven.  
12 Do you object to it continuing two lanes? In other  
13 words, continue in the way it is today?

14 MR. LADEN: I think our recommendation is  
15 that there would be two lanes in front of the school  
16 as it's approaching Whitehaven northbound. I believe  
17 one of those through lanes becomes a left turn lane at  
18 Whitehaven which we think would be beneficial overall.

19 MR. HEBERT: Right. So, basically your  
20 plan would be for it to stay the same as it is right  
21 now? Northbound Foxhall in between Whitehaven and the  
22 school entrance. Correct?

23 MR. LADEN: Correct.

24 MR. HEBERT: Okay. Thank you.

25 CHAIRPERSON GRIFFIS: Is Hoban road one

1 way now currently to Foxhall?

2 MR. LADEN: Correct. I believe Hoban is  
3 one way. At that point I guess it would be eastbound.

4 CHAIRPERSON GRIFFIS: And you were  
5 supporting or recommending that that become two way  
6 from 45<sup>th</sup> to Foxhall?

7 MR. LADEN: Correct.

8 CHAIRPERSON GRIFFIS: Okay. And that's  
9 obviously to give all alternatives for exit from the  
10 new residential?

11 MR. LADEN: Absolutely. And for the  
12 existing neighborhood as well.

13 CHAIRPERSON GRIFFIS: Sure. Sure.

14 MR. LADEN: Through 45<sup>th</sup> Street.

15 CHAIRPERSON GRIFFIS: Okay. Good.

16 Anything else? Any other questions?

17 COMMISSIONER PARSONS: I have a question.

18 CHAIRPERSON GRIFFIS: Yes.

19 COMMISSIONER PARSONS: Do you know why  
20 Hoban Street is one way?

21 MR. LADEN: I believe that was before my  
22 time, but I believe it was -- at least I was told by  
23 staff that it was in order to cut down on potential  
24 cut through traffic that might turn left on Hoban to  
25 get to Reservoir without having to go through the

1 traffic signal at Foxhall and Reservoir.

2 I'm sorry, it would be the P.M. traffic  
3 coming -- yes. The P.M. traffic coming n the opposite  
4 direction. But basically they're cut down or reduce  
5 the amount of cut through traffic through that  
6 residential neighborhood.

7 COMMISSIONER PARSONS: Thank you.

8 CHAIRPERSON GRIFFIS: Okay. Thank you  
9 very much. Appreciate it. Let's move ahead.

10 We have DOH here. Is that correct? Let's  
11 bring it up and then, Mr. Murphy, you were also going  
12 to also provide testimony. Is that correct. We'll  
13 have you up also and then we'll move on to the ANC.

14 MS. DOUGLASS: Good afternoon. My name is  
15 Stan Douglass. I'm with the D.C. Water Quality  
16 Division.

17 And I'm here primarily in relation to the  
18 water bodies that are on the site.

19 The Water quality Division submitted  
20 initial comments on February 27, 2006, about the  
21 project to the D.C. Office of Planning. Subsequently,  
22 we received a permit application dated May 24<sup>th</sup>, 2006,  
23 to impact the wetlands spring and stream at the site.

24 Basic information available so far, the  
25 D.C. Department of Health claims jurisdiction over the

1 wetlands spring and stream located at the site. We  
2 understand that the development claims 100 percent  
3 impact of the wetland spring and stream.

4 As the District has a policy of no net  
5 loss of wetlands and protects the streams, St.  
6 Patrick's has submitted an application to impact these  
7 areas and provide mitigation for them as another on-  
8 site location.

9 An application also was submitted to the  
10 U.S. Army Corps of Engineers as the mitigation area is  
11 adjacent to the stream under the Corps of Engineers  
12 jurisdiction.

13 As far as the Water Quality Division is  
14 aware, the Corps of engineers has not commented on the  
15 application. It is our policy to comment after the  
16 Corps does.

17 We understand that an environmental impact  
18 screening form also will be submitted for this  
19 project.

20 At this time, we expect to get more  
21 detailed plans and drawings for the proposed wetland  
22 which you will examine and submit official comments.  
23 That is our standard policy.

24 In the interim, three issues were  
25 apparent. The first is that the ephemeral stream



1 under the Corps jurisdiction will be permanently  
2 converted into a new wetland. No mitigation is  
3 proposed for the stream.

4 The second is that the 25 foot buffer that  
5 is supposed to be around the stream will actually be  
6 used to create the new wetland.

7 Further, the 25 foot buffer is not  
8 completely maintained around the stream. There is one  
9 place where house lots appear to be directly adjacent  
10 to the stream without a buffer.

11 Finally, the proposed spring mitigation  
12 would create new wetlands instead of it facing the  
13 last feature. These issues clearly need to be  
14 resolved in addition to any others that may be  
15 identified when additional details and plans are  
16 submitted as part of the environmental impact  
17 screening form to the District.

18 CHAIRPERSON GRIFFIS: Excellent. Thank  
19 you.

20 Questions?

21 COMMISSIONER PARSONS: Yes. So, what  
22 you're saying is the stream doesn't have an adequate  
23 buffer as shown on the drawings we now have before us,  
24 25 feet?

25 MS. DOUGLASS: The buffer that is proposed

1 around the stream is actually being used to create the  
2 wetland. The new wetland will be in the buffer area.

3 That is not what we expected.

4 Also, the buffer does not completely go  
5 around the stream towards the most upgraded part of  
6 the stream. That area is directly abutting the  
7 property line for the housing lots as far as I can  
8 tell. And at a site fitting towards the end of May,  
9 the consultants actually drew the line for me and  
10 confirmed that this was the case.

11 COMMISSIONER PARSONS: So, are you  
12 suggesting we try to cure that or you cure that in the  
13 permitting process?

14 MS. DOUGLASS: These issues normally are  
15 not brought at the BZA level. They usually come up as  
16 part of the environmental screening process.

17 COMMISSIONER PARSONS: Right.

18 MS. DOUGLASS: And we discussed that with  
19 them at that point. But since we were asked to  
20 testify, we're pointing out issues that we see  
21 immediately.

22 COMMISSIONER PARSONS: But you don't feel  
23 a necessity for us to try to help at this point?  
24 We're a lot clumsier. There's more of us.

25 I mean, is that your point that this would

1 be taken care of in the permitting process?

2

3 CHAIRPERSON GRIFFIS: Is it possible for  
4 this to be remedied at the level after this if this  
5 was approved?

6 MS. DOUGLASS: If the project as it is is  
7 approved, because there are regulatory issues at  
8 stake. The issues would have to be resolved before  
9 the project could move forward from our office.

10 CHAIRPERSON GRIFFIS: I understand that.  
11 Are we approving something that would preclude you  
12 from remedying the situation that you see as a  
13 potential for this stream and the buffer area?

14 MS. DOUGLASS: I would hesitate to say  
15 primarily because the stream is also under the  
16 jurisdiction of the Corps of Engineers. And they  
17 speak first --

18 CHAIRPERSON GRIFFIS: I need you to said  
19 for their comments.

20 MS. DOUGLASS: I can't speak on their  
21 behalf.

22 CHAIRPERSON GRIFFIS: What do you do to  
23 remedy a situation like this?

24 MS. DOUGLASS: Site by site basis. We try  
25 to work with the developer to see if there are

1 alternatives that can be used. And so far we've  
2 managed to --

3 CHAIRPERSON GRIFFIS: The Corps was the  
4 last one you worked on. What were some of the  
5 alternatives that were used? Did you do a concrete  
6 trench and make an artificial stream bed? I mean,  
7 what are we talking about here?

8 MS. DOUGLASS: More than likely in this  
9 case, we would first of all try to understand --well,  
10 the 25 foot buffer presumably once the stream will get  
11 destroyed if it's being replaced by a wetland. If the  
12 Corps was to agree to that, then the 25 foot buffer  
13 now needs to be put in place around the new wetland.  
14 And at some point we would probably negotiate to find  
15 out how we can best do that. We may not get it  
16 exactly the way we want, but usually there is some  
17 negotiation.

18 There are other issues that are on the  
19 table like the stream mitigation and the spring  
20 mitigation where I'm not certain how the Applicant  
21 plans to resolve those, because neither are being  
22 addressed adequately in the proposed mitigation plan.

23 And it's not typically something that we do. We  
24 don't tell them what to do. They propose and we  
25 comment and approve or reject.

1 CHAIRPERSON GRIFFIS: Okay.

2 Anything else? Very well. If there are  
3 no other questions from the Board -- did you want to  
4 address?

5 UNIDENTIFIED PERSON: No.

6 CHAIRPERSON GRIFFIS: Okay. Very well.  
7 Let's move ahead then. Mr. Feola, any cross?

8 MR. FEOLA: No, sir.

9 CHAIRPERSON GRIFFIS: Any ANC parties?  
10 Very well. Thank you very much. We do appreciate you  
11 being here with insightful information. Okay.

12 MR. BARNES: Mr. Chairman, if I could just  
13 comment on one thing that Ms. Douglas said.

14 We do have a 25 foot buffer around the  
15 entire stream. Some of it may be on private property,  
16 but it would be subject to all the protection  
17 easements, but a buffer would require of it. It  
18 doesn't have to be part of private property to be a  
19 buffer. So, we do provide the buffer that is  
20 required. It just happens to be part of it. It's on  
21 the corner of the site that would be subjected to  
22 overlay protections.

23 CHAIRPERSON GRIFFIS: Okay. And there's  
24 other comments. I thought we'd probably bring this up  
25 in rebuttal in your closing. So, we'll get to it, but

1 I appreciate that. Okay.

2 I'm sorry, did you --

3 MR. KERRI: My name is Tim Kerri, also  
4 with DOH.

5 CHAIRPERSON GRIFFIS: Yes.

6 MR. KERRI: And I'm just here primarily to  
7 speak on behalf of storm water management.

8 CHAIRPERSON GRIFFIS: Perfect.

9 MR. KERRI: And the erosion and sediment  
10 control and dealt with the wetland, but we went on  
11 site on January the 27<sup>th</sup> and also on June the 1<sup>st</sup>. We  
12 were on a site visit. We met with the Applicant and  
13 the design engineer for storm water management. And  
14 you all had a detailed presentation.

15 We have looked at the conceptual design  
16 for storm water management and we are in agreement  
17 with the designs for storm water management. We don't  
18 have the competitions yet, but we do know from the  
19 concept that the District normally allows for a two-  
20 year frequency release. The project is going into a  
21 one-year release which is better for us because it  
22 kind of protects down stream, you know, properties and  
23 down stream where streams down stream from erosion.

24 At a latter day pont we get the  
25 competitions through the EIS or environmental review

1 process. We can take a look at it to confirm as to  
2 whether all these things that are -- have been put on  
3 the concept plan actually what is really there. So,  
4 that is my comment on the process.

5 CHAIRPERSON GRIFFIS: Excellent. Thank  
6 you very much.

7 Questions? Any questions from the  
8 participants? Applicant? ANC? Parties? Very well.

9 MR. MURPHY: Good afternoon, Mr. Chairman.  
10 My name is David Murphy. I'm representing the  
11 National Park Service.

12 I think it's very simply said that the  
13 National Park Service is downstream on two full  
14 quarters of this project and you've just heard  
15 testimony as to the storm water, spring water,  
16 wetlands and we must rely on the district's  
17 regulations to insure that our interests downstream  
18 are protected by upstream events.

19 I think Mr. Tim Kerri comments about the  
20 one-year event does indicate that the erosive factors  
21 that are inherent in this sort of landscape are of  
22 strong concern. They are a strong concern to us as  
23 they were in the development of the Phillips Estate  
24 where much of the drainage went through an existing  
25 deteriorated culvert on parkland and they are working

1 to correct that.

2 But that also generated the concern about  
3 the two cubic feet per second rate of flow. So, we  
4 would be very interested to be aware of the  
5 calculations from this tract to see how that total  
6 flow through that culvert may be. We are hardened by  
7 the high water or storm event splitting of the  
8 drainage from the soccer field because it was an issue  
9 that we were concerned that that essentially  
10 impervious service would generate a very flash  
11 condition.

12 We will be very interested to find what  
13 the District indicates is needed to be done with the  
14 spring. We've understood that it was not a spring or  
15 it was not flowing, but it appears that perhaps the  
16 District has a different view on that.

17 We would suggest that downstream from the  
18 spring which is in the meadow, that flow probably  
19 works its way down into the existing drainage that  
20 waters of the United States and then waters of Glover  
21 Archibald Park. So, we'd be very curious about how  
22 that plays out.

23 We would suggest as we've done in other  
24 projects and suggested that if there is a viable  
25 groundwater spring seep that it be conveyed and not



1 co-mingled with a storm water run off. And that is  
2 simply a piping exercise and a release rate  
3 downstream.

4 Very interested to see the plan conceptual  
5 sediment control plan which I'm not aware we had seen  
6 before which has -- this is interim. One of the  
7 problems of being downstream in a park is we watch not  
8 only the final development but while it's being  
9 developed. And with a seven-year projected  
10 development plan, these sediment controls will be very  
11 much of focus to our rangers in the field downstream.

12 We will have to rely on the District of  
13 Columbia for very careful monitoring to assure that we  
14 are not impacted by inadvertent silt releases.

15 The one question that came up and  
16 primarily my purpose of being here today is to listen  
17 to the testimony, to understand it. Because there  
18 were some pieces that were not clear. And I think  
19 there needs to be a clarification on Area B which is  
20 the -- I've forgotten the terminology.

21 CHAIRPERSON GRIFFIS: The Dell?

22 MR. MURPHY: I'm sorry? The Dell. Thank  
23 you.

24 The Dell is to be as we understand now to  
25 be under the control and management of the school.

1 And there were some retained -- apparently a desire by  
2 the school to retain rights to do something on their  
3 land and we presume that also means in the Dell.

4 The Dell is a very important feature to  
5 the park. We understand it's a very important feature  
6 to the development, the school and the community as a  
7 whole. We would hope that there would be some  
8 assurance that beyond the sited releases of controlled  
9 releases of storm water and possibly a walkway, which  
10 we have not seen on a drawing, but there was an  
11 illusion to a possible walkway connecting the buses to  
12 the soccer field. But that would be the extent of  
13 "development" in the Dell.

14 We had been -- we felt an assurance that  
15 that was not in questions, but now there may be some  
16 need to clarify that.

17 I think that is the extent -- frankly are  
18 pleased with the reaction by the Friends of St.  
19 Patrick's and Anthony Barnes to react to our comments.

20 The reduction in buildings in the corner we think  
21 will reduce the bulk of presence in the corner of  
22 parkland. The setback of the retaining wall sounds  
23 trivial, but we have to live with things 50 to 75  
24 years and it's nice to know that the construction and  
25 repair of things can be undertaken, not having to use

1 parkland.

2 We're reasonably assured by fencing,  
3 judicious fencing in places that we will not have  
4 encroachment into parkland by well meaning, but  
5 sometimes aggressive neighbors deciding they'll come  
6 over and improve the park for us.

7 The issue of trails was perhaps perplexing  
8 to some. We are continually approached to have new  
9 trails in a park system. And I think I want to spend  
10 sometime on the quality of the park in Grover  
11 Archibald.

12 I have worked in this region for 30 years.  
13 I have walked nearly every square foot of all the  
14 parks in the system, in the District of Columbia. And  
15 as a forester and looking at the forest quality of  
16 this, this is a highly unusual area. It is a very  
17 special area.

18 One way to measure as far as quality is to  
19 look at the forest floor to see what's on it and what  
20 isn't on it. There aren't exotic plants. There's a  
21 very good layer of forest duff, leave litter and so  
22 on. It's a very clean, very old growth forest. The  
23 trees are in exceptionally good shape for an urban  
24 area and it's always a -- my hat is off to the Glover  
25 and Archibald families who have donated and

1 contributed this resource.

2                   The idea of adding more trails is --  
3 sounds laudable, but what happens is, the more trails  
4 the less forest, the more activity. We can control  
5 the trails we have. Our goal is to be in there to  
6 maintain them so nobody knows that we're maintaining  
7 them. And you feel you have an experience in there  
8 that is forest primeval if you can have that in an  
9 urban area.

10                   We are heartened by the Applicant's  
11 withdrawal of a proposal for a staircase and trail in.

12           This area is served by a W Street trail head and a T  
13 Street trail head off of Hoban. There is then a trail  
14 along the creek in Glover Archibald and there is a  
15 volunteer or a casual trail along the ridge. And we  
16 are at this moment looking at making that part of the  
17 trail system. When we do and if we do we will  
18 eliminate any of the other meanders and adventuring  
19 trails that are in the area.

20                   And I think I'm available for questions  
21 but that's the sum of my comments.

22                   CHAIRPERSON GRIFFIS:   Excellent.   Thank  
23 you very much.

24                   Questions from the Board?   Cross?   ANC?  
25 Parties?

1                   Very well. You mentioned that one access  
2                   from the field across the Dell or the other parcel.  
3                   Did you look at the recent plans that were submitted  
4                   to us today? Do you have a copy of those?

5                   MR. MURPHY:     There's no indication of  
6                   trails if that's what --

7                   CHAIRPERSON GRIFFIS:   Or sidewalk or the  
8                   walking access.

9                   MR. MURPHY:     No. We had not seen the  
10                  sidewalk unless -- is that sidewalk --

11                  CHAIRPERSON GRIFFIS:   I thought you were  
12                  saying you were concerned that --

13                  MR. MURPHY:     Well, I heard earlier  
14                  testimony that perhaps there would be sidewalk along  
15                  the contour connecting the bus stop on the loop road  
16                  over to the soccer field. And we didn't see it on the  
17                  drawing.

18                  CHAIRPERSON GRIFFIS:   So, let's get a  
19                  quick clarification on it. That's something --

20                  MR. BARNES:     Mr. Murphy is correct. We  
21                  plan to have a path but it's not shown. It would  
22                  follow the contour that would connect the end of the  
23                  loop of the road and our campus green space here with  
24                  the field, so there would be the one trail that we've  
25                  envisioned as useful for the use of the students. It

1 is not shown on the drawing because of the sheer scale  
2 of the drawings.

3 We could add such a thing if it adds  
4 clarity for you.

5 CHAIRPERSON GRIFFIS: What kind of trail  
6 would it be surfaced? I mean, what --

7 MR. BARNES: It would probably be an  
8 impervious surface trail. I'm sorry a pervious  
9 surface trail, you know, three feet wide just to  
10 accommodate pedestrian traffic between the two.

11 CHAIRPERSON GRIFFIS: Okay. I took that  
12 comment totally differently and so just for quick  
13 clarification.

14 There seems to be as you enter into the  
15 site, and on the right side, it looks like there's a  
16 sidewalk that ends just to the right a little bit more  
17 in the site there. What is that?

18 MR. BARNES: There would be a sidewalk  
19 going down the road on both sides of the entrance  
20 road. There is a turn at this pont where a stair  
21 would lead you down to the level of the field.

22 CHAIRPERSON GRIFFIS: So, that's one other  
23 access point?

24 MR. BARNES: It's another access point.

25 CHAIRPERSON GRIFFIS: I see.

1                   MR. BARNES: You can from the sidewalk and  
2 walk down to the field. So, if the one of the  
3 neighbors is a parent and there's a game, they can  
4 walk over and drop down onto the field as a  
5 pedestrian.

6                   CHAIRPERSON GRIFFIS: I see. Okay.  
7 Excellent. Very well. Thank you very much. We  
8 appreciate your comments and your ever vigilant on the  
9 forest primeval. An interesting phrase. Got to keep  
10 that with me. Okay.

11                   Let's move ahead then.

12                   Did you have an easel? Someone can help  
13 you with that. I think they're easily maneuvered.

14                   MS. GATES: Good afternoon, Chairman  
15 Griffis and members of the Board.

16                   I am Alma Gates, Chair of ANC 3D. I live  
17 at 49 Ashby Street, NW.

18                   With me today is Commissioner Ann Haas  
19 representing the single member district in which the  
20 1801 Foxhall Road property is located.

21                   Advisory Neighborhood Commission 3D has  
22 filed two letters reporting the Commission's  
23 recommendations in support of Application 17429.  
24 Since the Commission's last special meeting on May  
25 17<sup>th</sup>, 2006, meetings have continued between the Friends

1 of St. Patrick's, the Colony Hill Neighborhood  
2 Association and the Foxhall Community Citizens  
3 Association. And the postponement of the hearing from  
4 February 28<sup>th</sup> until today has resulted in agreements  
5 between those parties.

6 Such agreements are what the BZA and  
7 Commission would like to see as a matter of practice.

8 While most conditions outlined in the  
9 Commissions's letter are reflected in the neighborhood  
10 agreements, there remain a few areas that have not  
11 been included.

12 Without question, transportation related  
13 issues have been the common thread running through all  
14 ANC meetings with the school and neighbors. The  
15 Commission -- this is in addition to what we  
16 recommended.

17 The Commission found that a DDOT approved  
18 traffic management plan for all stages of construction  
19 would be required to prevent community and commuter  
20 impacts on public roads.

21 An overview of the final St. Patrick's  
22 traffic management plan by DDOT and ANC-3D would be  
23 required prior to the opening of the 1801 Foxhall  
24 campus and would include at a minimum proposed shuttle  
25 bus routes, pick up locations, the school's contract



1 with parents and the student driving policy. And  
2 annual reports of the school's success in meeting its  
3 goals would be furnished to DDOt and ANC-3D.

4 Immediately east of the playing field lies  
5 parcel B. The northern Dell or swale that separates  
6 the school from the housing development. The Dell is  
7 a 1.53 acres swath of undisturbed land that traverses  
8 the property and ends at Whitehaven Parkway.

9 Earlier today you heard Alan Ward describe  
10 this area as the most beautiful site on the property.  
11 It is clearly worthy of preservation.

12 It is forested with mature walnut trees  
13 and natural vegetation that aid in hydrologic  
14 cleansing for the site.

15 In its February 18<sup>th</sup> letter to the Board,  
16 page 8, the Commission specifically conditioned the  
17 northern Dell shall be preserved as open land and for  
18 wild life by the school in perpetuity in the form of a  
19 binding covenant and easement pursuant to Title 42 of  
20 the D.C. Code as a part of the real property  
21 degradation before the recorder of deeds.

22 It would be naive to believe that St.  
23 Patrick's will not at some future time wish to  
24 increase its student body and facilities and the Dell  
25 provides space for such expansion.

1                   However, a representative of the Friends  
2                   of St. Patrick's recently informed the Commission that  
3                   the property cannot be encumbered until it is  
4                   transferred to the church and the church would have to  
5                   encumber it.

6                   If the intent of the Friends of St.  
7                   Patrick's is to have the Dell remain as open space,  
8                   the BZA would have to insure that intent is met by  
9                   including a condition in its final order requiring the  
10                  preservation of the Dell as open space in perpetuity.

11                  Such a condition would encourage the  
12                  church to encumber the property once it has been  
13                  transferred.

14                  Before we battle progress, environmental  
15                  impacts of the proposed development will move the  
16                  special attention of the National Park Service and the  
17                  Environmental Health Administration giving it 50  
18                  percent of the entire property will be covered with  
19                  impervious surface.

20                  Storm water chemical applications and silt  
21                  run off will require appropriate controls and  
22                  filtering to protect the natural wetlands, Whitehaven  
23                  and Glover Archibald Parks offsite streams and the  
24                  larger Potomac watershed.

25                  In conclusion, ANC-3D approves the

1 application of the Friends of St. Patrick's for a  
2 theoretical lot subdivision for 19 hours and the  
3 creation of a middle and upper school at 1801 Foxhall  
4 Road, assuming the implementation of a DDOT approved  
5 traffic management plan and the preservation of parcel  
6 B in the form of a binding covenant and easement.

7 The number of students shall be capped at  
8 440 and faculty and staff at 100. Additional  
9 conditions of approval have been addressed in  
10 agreements worked out with the neighboring communities  
11 and have the support of ANC-3D.

12 MS. HAAS: My name is Ann Haas. I'm  
13 Advisory Neighborhood Commissioner for ANC-3D/09. My  
14 single member district includes the St. Patrick's  
15 property at 1801 and Foxhall Village, Colony Hill and  
16 the Georgetown Reservoir area.

17 This property is the old Brady Estate  
18 about to be developed.

19 Just up the street on Foxhall at 2101,  
20 tree removal has begun at the old Phillips Estate.  
21 Together, development on these two estates will  
22 convert 35 acres of awarded sloping landscape on  
23 Foxhall Road overlooking Grover Archibald Park and  
24 Whitehaven Park from green space to six dozen houses  
25 and a new private high school and junior high.

1                   As a result of this development, Foxhall  
2                   Road will have five traffic lights from Reservoir road  
3                   to the Field School. That's 6/10th of a mile.

4                   St. Patrick's new school will add to the  
5                   seven private schools within a mile of the site.  
6                   We've got a map that shows them. It's on the last  
7                   page of your copies.

8                   They account for a total of 2,600 students  
9                   and an uncounted number of staff.

10                  Our neighborhood is not seeking economic  
11                  development. It is seeking controls on growth.  
12                  Frankly, we could use some relief.

13                  Already traffic at Foxhall and Reservoir  
14                  is at the F level of service. The joke is. What's  
15                  worse than F?

16                  People who live on Foxhall above Reservoir  
17                  have difficulty leaving their driveways after 8:00 in  
18                  the morning from Monday through Friday. Two more rush  
19                  hours follow after school and in the evening.

20                  The cumulative effects of the new projects  
21                  will change our community significant, adding more  
22                  cars to what is, except for two short section, a two-  
23                  lane residential road increasing its institutional  
24                  character and creating environmental pressures on  
25                  Federal parkland downstream.

1                   These plans challenge what the Rock Creek  
2           West area element of the Comprehensive Plan calls  
3           neighborhood conservation.

4                   Traffic. Thanks to negotiations between  
5           representatives of the Foxhall Citizens Association  
6           and the Friends of St. Patrick's, the parties have  
7           reached agreement on some important aspects of school  
8           operations including traffic. We heard about those  
9           earlier.

10                   Right now, Foxhall Road carries 19,500  
11           cars a day. Connecticut Avenue, a four-lane major  
12           arterial has 35,000.

13                   Police Captain Paula Edmonston recently  
14           comments that traffic, not crime, is what people ask  
15           about at citizens association meetings in Cleveland  
16           Park and elsewhere in Ward 3.

17                   In recent months, the Office of Zoning has  
18           helped to address a complaint from a neighbor about  
19           cut-through traffic and parking related to Georgetown  
20           day school's lower school.

21                   I just learned that during the school year  
22           MacArthur boulevard experiences traffic back-ups from  
23           Q Street to the Safeway. That's a mile away.

24                   I applaud the Board of Zoning Adjustment  
25           for its order for the Field School at 2301. The

1 traffic cap emphasized accountability in the interest  
2 of the community. The Board cited density, 320  
3 students and 74 staff on a 10-acres site, noting that  
4 the figure was consistent with those of other private  
5 school in the northwest quadrant of the city.

6 St. Patrick's is seeking more. Four  
7 hundred and forty students and 100 staff on eight  
8 acres. St. Patrick's may already have outgrown its  
9 site.

10 Environmental Impacts. I'm concerned  
11 about the impact of building a junior high school and  
12 high school gymnasium, auditorium, parking garage and  
13 playing field in addition to what are now 28 houses on  
14 this site.

15 The property drains to the two Federal  
16 parklands. Foundry Branch and Grover Archibald Park  
17 is a tributary to the Potomac River which in turn is a  
18 tributary to the Chesapeake Bay.

19 This project will convert 50 percent of 17  
20 acres to impervious surfaces. As a comparison, the  
21 Field School property is 27 percent impervious. I'd  
22 like to see the spring house and southern dell  
23 protected from the 17-foot retaining wall that we  
24 understand is planned to prevent erosion.

25 In its letter of February 18<sup>th</sup> to the Board

1 of Zoning Adjustment, ANC-3D called for specific  
2 conditions for environmental protection in reference  
3 to the school. That included preserving in perpetuity  
4 the Dell, treating Whitehaven parkland as an  
5 environmental asset and education opportunity by  
6 working with the Park Service to insure that there's  
7 no encroachment on the park during or after  
8 construction of the new campus, requiring the school  
9 to work with the Environmental Health Administration  
10 to develop storm water management practices to  
11 minimize adverse downstream environmental effects.

12 Conditions in the theoretical lots  
13 subdivision include establishing a disturbance buffer  
14 area in coordination with the Park Service for lots  
15 that abut Federal property and protecting the buffer.

16 Other conditions require the St. Patrick's  
17 wish to develop an approved species plant list in  
18 consultation with the Park Service and to plant trees  
19 and shrubs that are on the approved list in the buffer  
20 area, also using environmentally friendly products.

21 Finally, St. Patrick's is required through  
22 our ANC recommendations in consultation with the  
23 National Park Service and the District's Environmental  
24 Health Administration to implement best management  
25 practices to control erosion and protect the natural

1 drainage channels, waters of the U.S. and the adjacent  
2 parklands. Modify the forester water discharges to  
3 increase bio-filtration and ground water recharge.

4 The Field School's storm water management  
5 is one aspect that didn't perform as expected. I'd  
6 like to be sure that the old Brady Estate will not  
7 experience similar erosion and flooding.

8 One resident downstream of the Field  
9 School had a crevice at the foot of her lot. Run off  
10 filled the crevice and created a pond that a pair of  
11 mallards then moved into and called home.

12 The school to its credit resolved the  
13 issue by regrading the site and installing pipes.  
14 Water damage fits the description of otherwise  
15 objectionable conditions.

16 I endorse the environmental actions that  
17 the Friends of White Haven recommended in its letter  
18 to the Chair of the Board of Zoning Adjustment on this  
19 proposal.

20 Private school's expansion. On July 14<sup>th</sup>,  
21 2005, the Washington Post explored the effects of  
22 private schools on residential communities in a story  
23 entitled "Some Schools With No Where to Grow". The  
24 reporter noted that during the last five years, at  
25 least a dozen schools have either sought to expand



1       their facilities or increase their enrollment.

2                   The story cited the National Child  
3       Research Center and the Board's action in saying no to  
4       a request for an increase in the student cap. Again,  
5       I applaud the Board.

6                   The story also mentioned another school  
7       that was looking for a satellite campus having  
8       outgrown its first campus. St. Patrick's may need yet  
9       another campus.

10                  This is not an unusual situation. The  
11       Field School has a second campus. Georgetown Day  
12       School does and so does Rock Creek International.

13                  With 440 students and 100 teachers, St.  
14       Patrick's will be the single largest combined facility  
15       in our area. More than 1,000 people will come and go  
16       each day.

17                  Public Benefits. The fact that Sibley  
18       Hospital is contemplated a significant expansion of  
19       the medical office building and in return we need to  
20       provide benefits for the surrounding neighborhood made  
21       me think that it would not inappropriate for private  
22       schools operating in residential districts to do the  
23       same. That is, private schools may seek ways to help  
24       the community in which, as one philosopher has said,  
25       they are guests. Granted they're not commercial

1 enterprises. They do, however, benefit from an  
2 infrastructure provided by taxpayers while enjoying an  
3 exemption from taxes that enable the city to operate.

4 What can St. Patrick's offer as a  
5 contribution to the community? Monitor Foundry Branch  
6 and Grover Archibald Park with ecologists and  
7 hydrologists from the Center for Urban Ecology, help  
8 the National Park Service clean up Whitehaven Park,  
9 plant trees to prevent erosion and clean the air,  
10 paint a house or a public building that's in need of  
11 attention, tutor local students, mow lawns or rake  
12 leaves for senior citizens, invite neighbors to  
13 evening lectures by area specialists.

14 I look for St. Patrick's to demonstrate  
15 its commitment to being a good neighbor. I look for  
16 ways to forge a partnership in that goal.

17 CHAIRPERSON GRIFFIS: Excellent. Thank  
18 you very much.

19 How about opening up their fields for use  
20 of church-related groups or other organized sporting  
21 events?

22 MS. HAAS: We'd like to look into that a  
23 bit, I think.

24 CHAIRPERSON GRIFFIS: Yes. Actually, it  
25 goes right to that. That's one of the previous ANC

1 conditions that it was prohibiting.

2 You talked about just in your ending  
3 comments about how this could be a good neighbor or a  
4 participant in the community.

5 What other aspects outside of doing things  
6 for sites off campus, how do you see the campus  
7 actually being integrated into the surrounding area?

8 MS. HAAS: Well, I feel sure that parents  
9 of St. Patrick's students represent a wealth of  
10 intellectual capabilities and interesting professions.  
11 I think they could -- maybe there would be a  
12 discussion forum that they'd like to sponsor.

13 CHAIRPERSON GRIFFIS: At the school in the  
14 evening?

15 MS. HAAS: Possibly, yes. I guess the  
16 parkland is my real interest. And I think with all  
17 those kids there, there's a lot of potential.

18 CHAIRPERSON GRIFFIS: Sure. Sure. Okay.  
19 Excellent. Thank you very much. Do appreciate that.

20 Questions from the Board? Cross?  
21 Parties? No questions.

22 Excellent. You wouldn't have a reduced  
23 copy of that, would you?

24 MS. HAAS: It should be in the last page  
25 of your testimony.

1 CHAIRPERSON GRIFFIS: Okay. Good.

2 MS. HAAS: Yes.

3 CHAIRPERSON GRIFFIS: The testimony you  
4 handed in today?

5 MS. HAAS: Yes. It's stapled to the back.  
6 Just keep going.

7 CHAIRPERSON GRIFFIS: We got one sheet.

8 MS. HAAS: One sheet?

9 CHAIRPERSON GRIFFIS: It's up here. Did  
10 you give it to the reporter?

11 MS. HAAS: No. I gave 15 copies with --

12 CHAIRPERSON GRIFFIS: To who?

13 MS. HAAS: Yes. I did.

14 CHAIRPERSON GRIFFIS: Okay.

15 MS. HAAS: Here they come.

16 CHAIRPERSON GRIFFIS: There it is. We'll  
17 give them to Ms. Bailey who is incredible effective in  
18 getting them to us. Okay.

19 If there's nothing further then, thank you  
20 very much.

21 Let's move ahead and say a very good  
22 afternoon to Mr. Lawson from the Office of Planning.

23 MR. LAWSON: Thank you, Mr. Chair, Members  
24 of the Board.

25 My name is Joel Lawson with the D.C.

1 Office of Planning and I'm here today actually  
2 representing Maxine Brown Roberts who is the  
3 development review specialist who is in charge of this  
4 project.

5 I'm just going to give a very brief update  
6 in summary of the OP analysis.

7 OP continues to support this proposal.  
8 The Applicant has adequately addressed the  
9 requirements of Section 206 to allow the private  
10 school on this site. The siting design and  
11 programming agreement should minimize potential noise  
12 or traffic impacts.

13 OP particularly supports efforts to  
14 encourage alternatives to single car drivers to the  
15 school such as car pooling, shuttles services and  
16 bicycling.

17 The Applicant has also adequately  
18 addressed the requirements in Section 2516 to allow  
19 the theoretical lots subdivision with some of the  
20 buildings not fronting onto public streets.

21 The single family dwelling form of  
22 development is permitted in this zone and individual  
23 lots will conform to zoning requirements and be  
24 consistent with the area character.

25 Finally, OP has no concerns with the

1 proposed changes to Foxhall Road and reducing the  
2 number of the units by one. We also have no concerns  
3 with the Operations Plans and architectural guidelines  
4 provided today resulting from agreements between the  
5 Applicant and area residents. And I should note that  
6 the Applicant and the neighborhood are to be commended  
7 for their many hours of hard work in reaching these  
8 agreements. We don't always see that and it's always  
9 nice when it does happen.

10 With regards to the conditions proposed in  
11 the Office of Planning Report attached to our  
12 recommendation, OP has not had an opportunity to fully  
13 assess them in detail against today's submissions by  
14 the Applicant, the Operations Plan and the  
15 Architectural Guidelines. However, they appear to be  
16 fully consistent, although in the OP Report the school  
17 guidelines number 5 should read "No new activities  
18 shall begin on the field after 5;30 p.m." for  
19 consistency with the submissions of today.

20 If the BZA includes the Applicant's  
21 Operations Plan and Architectural Guidelines in the  
22 order, it would not seem necessary to separately  
23 address these issues as conditions as recommended in  
24 the OP recommendation because they are addressed  
25 through the Applicant's submissions and would also be

1 in the order.

2                   However, further discussion at today's  
3 meeting today has made me think that I might want to  
4 note a couple of conditions where that OP would agree  
5 with and would seem to be consistent with the  
6 discussion today and also consistent with the  
7 intentions of the Applicant.

8                   First of all, Condition Number 13 on OP's  
9 Report was monitoring a tree protection during  
10 construction by certified arborists. It may be  
11 appropriate to expand that a little bit to say  
12 something to the effect of "that the approval of  
13 protective measures by a certified arborist, such  
14 measures to be installed prior to construction for  
15 individual trees and for groupings of trees as well as  
16 for monitoring of these protection measures by a  
17 certified arborist. And this would be to insure that  
18 those protective measures were installed adequately  
19 and installed in time so that they're in place before  
20 any construction damage could happen to the trees  
21 which is when usually the damage actually happens to  
22 those trees.

23                   And, lastly, as Commissioner Mann's  
24 suggestion, OP would certainly not be opposed to a  
25 condition to assure that the installation of gates at

1 the entrances to this site does not happen.

2 And that concludes my testimony and I'm  
3 available for questions.

4 Thanks.

5 CHAIRPERSON GRIFFIS: Excellent. Thank  
6 you very much. Do appreciate it and it's an excellent  
7 update on your conditions.

8 I have some questions on your last  
9 condition prior to 13, actually look at 8 through 12.  
10 They're going towards the design, perhaps integrity  
11 of what's being proposed.

12 I'm not sure -- can you speak to those a  
13 little bit? I'm not questioning them necessarily,  
14 just not understanding why it would be critical of one  
15 to have a requirement of 30 percent of any facade  
16 facing Hoban to be fenestrated. Also, again,  
17 dimensional limitations of that type.

18 MR. LAWSON: I think it's a valid concern  
19 because the Office of Planning usually doesn't  
20 involved in that level of design detail in our  
21 conditions. I think in this case we included it in  
22 the report because we weren't quite sure what kind of  
23 agreement was going to happen between the Applicant  
24 and the neighborhood. We knew that these were  
25 concerns of certainly elements within the neighborhood



1       and so we felt it was appropriate that they be  
2       included as conditions in our report.

3               We believe, again, this is my cursory  
4       analysis of the submissions today, that these  
5       conditions are more than adequately addressed in the  
6       submissions from the Applicant. And that's why I'm  
7       suggesting that maybe you don't want to include these  
8       conditions to make sure that there's no inconsistency  
9       between the two and to make sure that they're the more  
10      detailed and agreed to condition between the Applicant  
11      and the neighborhood are what's actually what's kind  
12      of included in the order.

13              CHAIRPERSON GRIFFIS: Okay. And it was  
14      your understanding the basis of these came from the  
15      discussions from the Applicant and where the basis of  
16      the creation of the HOA agreement that we have before  
17      us today. And it is to maintain what kind of  
18      architectural character of what would be developed?

19              MR. LAWSON: It is to address the  
20      architectural sort of character concerns that are  
21      being raised by the surrounding neighborhood, as well  
22      as discussions with the Applicant. To address some of  
23      those basic concerns in our report because, again, we  
24      weren't quite sure how much agreement there would be  
25      prior to this hearing between the Applicant and

1       whether they should be addressed in the Office of  
2       Planning Report just in case agreements weren't  
3       reached with the neighborhood.

4                   CHAIRPERSON GRIFFIS:   Okay.   Excellent.

5                   And window openings not exceeding four  
6       feet by ten feet precludes any contemporary  
7       architecture. Is that --

8                   MR. LAWSON: I should note that the actual  
9       criteria themselves, the actual guidelines. The  
10      Office of Planning doesn't have any major concern one  
11      way or another, other than making sure that the  
12      character of the buildings is in conformance with the  
13      surrounding character and, you know, in support of  
14      the agreements that have been reached between the  
15      adjacent neighbors.

16                   CHAIRPERSON        GRIFFIS:           Excellent.  
17      Excellent. Thank you very much, Mr. Lawson, and we  
18      appreciate you being here to present this.

19                   Questions from the board? Additional  
20      clarifications? Very well.

21                   Cross? No cross. ANC, yes.

22                   MS. GATES: Mr. Lawson, this is really a  
23      point of clarification.

24                   Did I understand you to say that the  
25      Office of Planning would withdraw conditions that are

1 not covered? Excuse me. Would withdraw conditions  
2 that are covered in the agreements between the  
3 community groups and the Friends of St. Patrick's?

4 MR. LAWSON: Good afternoon, Ms. Gates.

5 It's really the Office of Planning would  
6 have no objection not duplicating these conditions.  
7 If the conditions are duplicated between what the  
8 Office of Planning had drafted or if they're  
9 inconsistent with the agreement between the  
10 neighborhood and the Applicant, we believe that it's  
11 appropriate for the agreement between -- that the  
12 agreement that the neighborhood came up with to be the  
13 one that's adopted into the order.

14 MS. GATES: Thank you.

15 CHAIRPERSON GRIFFIS: Excellent. Thank  
16 you very much.

17 I take a note just because the Office of  
18 Planning does address it and I think it's an important  
19 aspect that I've seen to this application. And that's  
20 the introduction of sidewalks which seems to be a very  
21 simple thing and very kind of common sense in an urban  
22 area. But I think it's phenomenal, one, to see it  
23 through the site. The Office of Planning picks this  
24 up in terms of the Bicycle Initiative and also the  
25 communication and ingress and egress of pedestrian,

1 but just along Foxhall. But more importantly, we've  
2 seen numerous re-developments and theoretical lots and  
3 even in developments in the r-5 which needs to come to  
4 the Board in terms of multiple houses. And it's often  
5 not the first thing that a developer would look at  
6 doing as putting actual pedestrian walks through this.

7 I think it's even more critical in terms of the  
8 varying people that will be utilizing it and not just  
9 those that are going in and out of the school site and  
10 the residential site. But those that will be passing  
11 by. Obviously, we are aware. Things are happening to  
12 the north and are in existence to the south. And I  
13 think it is very well thought out on how it connects  
14 from that level to itself and to the surrounding area.

15 That being said, I believe we have gone  
16 through all of the Government reports and agency  
17 reports unless I have missed any others. If anyone is  
18 aware of anything, bring it to our attention at this  
19 point.

20 Not noting any others then, let us move  
21 ahead.

22 Let me see a show of hands of persons  
23 present that would like to provide testimony in  
24 support of the application. Are the persons present?

25 Very good. We're going to do -- good. We're going

1 to hold the parties to the side so just persons. And  
2 then I'll take persons in opposition. And then I'd  
3 like to bring the parties altogether if you don't  
4 mind. I'll take them a little bit out of order, but  
5 let's bring persons.

6 So, persons who will provide testimony in  
7 support of the application can come forward at this  
8 time. Bring up everybody. Excellent.

9 One, two, three. Do we have anyone else  
10 that would like to provide testimony? Good. We still  
11 have a few of the expensive seats on this side and  
12 then we'll go the cheap seats. Either way. We'll  
13 fill them out. Perfect. Perfect.

14 Okay. And as I said, we'll just have you  
15 state you name and address to the record prior to  
16 moving forward. Hopefully, you put the cards into the  
17 recorder. If not, you can do that after your  
18 testimony. You are limited to three minutes. I'll  
19 keep watch up here. We won't turn the buzzer on  
20 because it's terribly disruptive. And why don't we  
21 start on my left with you, sir?

22 Well, we can start it a different way.  
23 And you can just turn the microphone on. Perfect.

24 MR. KEFFER: Good afternoon. My name is  
25 Jeff Keffer. And I live at 5332 2 Carolina Place, in

1 the Palisades.

2 I've lived there for 15 years. My wife  
3 and I have three children who attend St. Patrick's  
4 there rising second, fifth and sixth graders and this  
5 is our eight year of association with the school.

6 Additionally, I'm a former trustee of the  
7 school and I've been here before. I was active in the  
8 community and neighborhood discussions about the  
9 middle school on MacArthur Boulevard and Ashby some  
10 years back.

11 I'm a key supporter of St. Patrick's,  
12 specifically in building schools generally, I think  
13 schools belongs in neighborhoods where the kids are.  
14 And, in particular, I support schools where there's a  
15 demonstrated need as there is for a new coed Episcopal  
16 high school in the District.

17 So, with that as background, I'd just like  
18 to address a few point that have been on my mind.

19 The first is that clearly the property at  
20 1801 Foxhall will certainly be developed in the near  
21 future if not by Friends of St. Patrick's then by  
22 somebody else. It's just too attractive a parcel and  
23 too large a parcel to not be put to some use fairly  
24 soon.

25 It's my observation that St. Patrick's has

1       learned a great deal with its experience working with  
2       the ANC and the other neighbors near MacArthur and  
3       Ashby on the middle school proposal a few years ago.  
4       I think the neighbors and St. Patrick's would agree  
5       that the relationships there are strong and that St.  
6       Patrick's has honored its commitment to the neighbors  
7       and has fully complied with the conditions of the BZA  
8       order government the middle school.

9               As to its planning for a high school on  
10       the Foxhall property, the Friends of St. Patrick's  
11       group has endeavored to develop its proposal as  
12       diligently and as transparently as possible, freely  
13       sharing information on the website and through a  
14       continuous series of meetings with interested parties.

15              This intense, honest community dialogue  
16       demonstrates St. Patrick's desire to develop a  
17       proposal that is workable for all parties and best for  
18       the neighborhood.

19              The BZA, ANC and the neighbors have an  
20       opportunity to work with a trustworthy partner. St.  
21       Patrick's has demonstrated a deep commitment to the  
22       neighborhood and with the neighbors surrounding the  
23       middle school, has developed a track record of working  
24       closely and productively with the community to address  
25       and resolve concerns. It's not likely that the ANC or

1 the abutting neighbors will find a better partner with  
2 whom to work in developing the 1801 Foxhall property  
3 than St. Patrick's.

4 It seems to me that the ultimate question  
5 then is not whether the construction of a new high  
6 school and 20 plus homes will cause some change in the  
7 neighborhood. Unquestionably, it will as will any  
8 development of the property.

9 In my view, the correct question is  
10 whether St. Patrick's is a partner that the neighbors  
11 and the ANC can trust and work with to achieve the  
12 best possible outcomes in terms of traffic,  
13 residential architectural esthetics, preservation of  
14 green space, sensible land use and housing density,  
15 attention to environmental concerns, use of parkland  
16 as an educational resource and special circumstances  
17 attendant to schools.

18 I firmly believe that St. Patrick's and  
19 the Friends of St. Patrick's are worthy partners of  
20 the community in the suburb and I thank you for  
21 hearing my comments.

22 CHAIRPERSON GRIFFIS: Excellent. Thank  
23 you very much. Do appreciate it.

24 Yes.

25 MS. CARTER: My name is Christina Carter



1       and my address is 4941 Tilden Street in Spring Valley,  
2       N.W. Washington.

3                   I'm proud to say I'm a resident of the  
4       District of Columbia for 25 years. And the reason I'm  
5       here today is not just to support the St. Patrick's  
6       high school. I am very, very involved in education in  
7       our city and I feel very passionately about education  
8       for our children, whether that's public and my  
9       children have all attended a public school, Horace  
10      Mann Elementary School, charter schools, private,  
11      special needs schools.

12                  We as residents of the District of  
13      Columbia in northwest Washington really do need  
14      educational options for our children. And, frankly,  
15      I've been a little shocked at hearing some of the  
16      discussion about wetlands, forest, maintaining certain  
17      forests and doing all these sort of things and I  
18      haven't really heard a whole lot of discussion about  
19      what this is all about, the education options for our  
20      children.

21                  Because the fact of the matter is that we  
22      moved from Capitol Hill to northwest Washington to  
23      raise our family and we need to educate three children  
24      and we need educational options for our three  
25      children.

1                   As I said, we have chosen to send our  
2           children to Horace Mann Elementary School, a D.C.  
3           public school which is a beautiful, wonderful,  
4           educationally superior school and one that's  
5           culturally diverse. But the fact of the matter is,  
6           that school only survives because the community has  
7           put resources together and the parents are actively  
8           involved financially and involved in the operation of  
9           the school.

10                   It ends at sixth grade. I will be here to  
11          tell you that the option for sixth grade and I had one  
12          going into sixth grade, was Hardy. Now, I'm sure that  
13          everyone in this Board has seen Hardy Middle School.  
14          It's in desperate, desperate need of renovation. It's  
15          sub-standard in terms of its academic performance and  
16          there aren't that many options available to middle  
17          schoolers. And that's why I heartedly approve that  
18          you finally approved the St. Patrick's Middle School  
19          because there are not that many options. And out of  
20          the 29 sixth graders graduating last year from Horace  
21          Mann, not one chose the Hardy Middle School or the  
22          other deal which is the other school.

23                   And the fact of the matter is I understand  
24          all the individual homeowner's concerns about the  
25          impact on their particular property. I really do. But

1 I think I speak for the silent majority of us who are  
2 going to have to make a decision as to whether we can  
3 stay in the District of Columbia. We need education  
4 al options for our schools. I mean for our children  
5 to go to school.

6 And I for one applaud St. Patrick's for  
7 going through this incredible process to put in a high  
8 school. I mean it is really quite daunting. And the  
9 amount of things to placate individual neighbors. I  
10 hope this Board really seriously considers the silent  
11 majority of us who really need options for our  
12 children. And that includes a nursery school and that  
13 includes a special ed situation. And that includes a  
14 charter school. And I think St. Patrick's has done a  
15 great job of making concessions to the neighbors and  
16 trying to do a wide variety of things. But after all,  
17 we are talking about a school. And we need schools or  
18 we will not be able to retain families in the District  
19 and we will not be able to attract families.

20 Luckily, my child was accepted and this  
21 was long before in the seventh grade at St. Patrick's.

22 And it has been an absolutely fabulous experience for  
23 her. But I will tell you that one of the very  
24 critical issues that I have as a resident of northwest  
25 Washington is I want my three children close by.

1     After 9/11, I decided that I was not going to be in a  
2     position where I was going to send my children out to  
3     various schools in Maryland and Virginia. And I will  
4     tell you that on my corner alone, seven buses roll by  
5     starting at 6:45 in the morning until 7:30 taking kids  
6     out to Virginia and Maryland. But I want my children  
7     close by. And I have to have those options or I'm  
8     going to have to move.

9             And the threat is still very real. I  
10    mean, just two weeks ago the D.C. public school system  
11    had a lock down. A security lock down. The result of  
12    some sort of security breach which I don't know about.

13    And it's what I'm talking about and what I'd really  
14    like the Board to seriously consider is, I'm not the  
15    only one that feels this way. I really speak for a  
16    majority of people who have children that live in our  
17    neighborhood. And I hope you don't look at this as a  
18    private school or an episcopal school. It is one  
19    educational option. And it's one that we need.

20            And to be honest with you, my property  
21    value, the unrenovated center hall, four bedroom  
22    colonial with a 1928 kitchen really does depend on the  
23    education options for our children.

24            So, I applaud all the effort that everyone  
25    has made to look at the environmental impact and the

1 traffic impact. But let's not lose sight of the fact  
2 that this is a school and this is one school. And you  
3 cannot compare a nursery school to a high school.

4 So, thank you for your time.

5 CHAIRPERSON GRIFFIS: Thank you very much,  
6 Ms. Carter. Good afternoon.

7 MS. KLINGENBERG: My name is Kankunda  
8 Klingenberg and I live on 4589 MacArthur Boulevard.

9 I've taught at St. Patrick's Day School  
10 for 15 years and lived in the neighborhood and  
11 attended church at St. Patrick's church for more than  
12 20 years.

13 In the 15 years that I've worked with the  
14 school intimately, I can say without a shadow of doubt  
15 that the commitment of St. Patrick's surrounding  
16 community has grown.

17 As a faculty member, neighbor,  
18 parishioner, I feel I can speak to the unwavering  
19 commitments of St. Patrick's school and church at the  
20 student, academic and community service level.

21 St. Patrick's is a pillar of the community  
22 that carries great concern for both its immediate  
23 neighborhood and the greater Washington community.

24 For example, outreach programs like grade  
25 patrol ministering to the elderly, both through the

1 church and school -- I'm talking about grade patrol.  
2 The kids go out and serve the homeless. And upper  
3 school kids visit the elderly at -- house.

4 And we also have a program where the kids  
5 bag food for St. Phillips in Anacostia.

6 From the very early planning stages of the  
7 1801 Foxhall project, St. Patrick's has incorporated  
8 the necessary characteristics needed to give our  
9 community a long lasting asset to the neighborhood and  
10 the Washington, D.C. area.

11 It is my sincere hope that you will give  
12 St. Patrick's the same opportunity to be a good  
13 neighbor, 1801 Foxhall, as they have been at the Ashby  
14 MacArthur campus offering a nearby alternative for  
15 families with children of middle and high school age a  
16 new and enlargement of the school commitment to the  
17 education of the community's children.

18 As a school, we believe that St. Patrick's  
19 will take this stewardship beyond the bounds of our  
20 school into the community at large.

21 Speaking as a member of both the church  
22 and school community, I can say with a conviction that  
23 the relationship of the church and the day school is  
24 central to a mission in both outreach and education.  
25 It is the foundation of our commitment to the

1 students' moral and spiritual growth and the source of  
2 their participation in service to others.

3 With the help of students and their  
4 families, I run the grade patrol program serving the  
5 community in this way teaches them not only the  
6 importance of service as it makes them a service, feel  
7 good, but how to truly be of a service to the  
8 community around them.

9 We hope that the fullest expressions of  
10 the day school Episcopal and spiritual identity are  
11 evident day in and day out in a nourishing and loving  
12 community that cultivates caring and acceptance of one  
13 another as unique individuals and children of God.

14 This fall St. Patrick's will celebrate its  
15 50<sup>th</sup> anniversary providing nursery and elementary  
16 education to Washington area children. We will look  
17 back with pride on a half century of excellence,  
18 examine with enthusiasm fresh way to make them into  
19 our talented young people in the present and extend  
20 our efforts to build an exciting new future for St.  
21 Patrick's school.

22 I strongly ask you to approve St.  
23 Patrick's zoning application to build the best  
24 educational Episcopal middle and upper school. You  
25 will be doing the city and surrounding areas a great

1 service.

2 Thank you

3 CHAIRPERSON GRIFFIS: Thank you very much.

4 MR. FENNIGAN: Does this work? Yes. I  
5 guess it does not.

6 To start off with, my apologies for my  
7 voice. Last night I caught kind of a nasty little  
8 microbe courtesy of my very lovely daughters. So, if  
9 I sound a little rough, please excuse me.

10 CHAIRPERSON GRIFFIS: I thought you might  
11 be screaming at the Nationals game. I was there. It  
12 wasn't so exciting.

13 If you would just state your name.

14 MR. FENNIGAN: My name is Robert Fennigan.  
15 I live on 4525 Salem Lane. And Salem is -- that  
16 location is adjacent to the Foxhall and the Reservoir  
17 intersection.

18 So, I live right at the point of  
19 contention here with traffic and everything else that  
20 we have at St. Patrick's.

21 So, I'd just like to say just a few  
22 things.

23 I'm a member of the community. I live  
24 adjacent to this Reservoir intersection so I'm  
25 familiar with the issues here. We moved here over 10



1 years ago from the Woodley Park/Cleveland Park area to  
2 be close to St. Patrick's because we sent our children  
3 there.

4 And I have substantial experience with the  
5 school because I've been there quite awhile with the  
6 community and the association, with the traffic and  
7 with raising children.

8 Furthermore, I just wanted to mention that  
9 I have followed this issue. I've attended association  
10 meetings. I've listened to both side with what I hope  
11 and believe is an open mind. I believe I have a good  
12 understanding of the issues that concern both the St.  
13 Patrick's community and members of my community  
14 because I'm on both sides of the table. And I care a  
15 great deal about both and I've tried, even though I  
16 have a lot of friends at St. Patrick's and a lot of  
17 friend in the community, I've tried to stay as apart  
18 as I could from both sides so that I could take an  
19 objective look and give me, either advice or point of  
20 view, and without being considered a partisan.

21 And I think having listened to all the  
22 discussion, my belief is that the high school  
23 development on the Foxhall property is, I think,  
24 probably the best development option that we have in  
25 that community. And the reason I think that is as

1 follows.

2 St. Patrick's has been there for quite  
3 awhile. They are a very good set of people. They've  
4 proven themselves to be an excellent steward of their  
5 current facilities and they've proven themselves to be  
6 a highly responsible and responsive neighbor.

7 You know, we've had experience with lots  
8 of other people in the area. George Washington has  
9 come in and we put the lab school and we've got  
10 Georgetown Day School. And I think a lot of people in  
11 the community are a little gun shy because,  
12 particularly with the GW experience often times it was  
13 -- they felt that, you know, they weren't necessarily  
14 dealt with in the most appropriate way.

15 I think at St. Patrick's my feeling is  
16 that with all the talk out of the way that their  
17 performance has been excellent. We had a problem  
18 early on when they developed the middle school and  
19 parking. The community was very concerned about it.  
20 I was concerned about it. They instituted -- St.  
21 Patrick's instituted some change, managing the car  
22 pooling and the rest and that was about, you know,  
23 five to eight years ago. And I've got to say that  
24 with a middle school with significantly more people,  
25 it is the case now that the traffic is less onerous

1       than it was.

2                   And when we're exchanging the information,  
3       representations back and forth, I think it's very  
4       useful, I guess, to be able to highlight some place  
5       where we can actually look at a real track record.  
6       What have they actually done.

7                   In that regard, I know from being a parent  
8       that, you know, Peter Barrett and the rest of crowd,  
9       they are very, very much on top of us as parents to  
10      conform to the car pool plan so that we don't increase  
11      traffic in the neighborhood and they've been very  
12      assiduous about that. And the results are clear.  
13      There's less traffic with more students.

14                  So, I think that's a very significant  
15      point here. I think if we're going to have a high  
16      school, we want to make sure we have a set of people  
17      that can run it well, that have a track record of  
18      running it well, that are concerned about the  
19      representations they make, that work hard and  
20      competently to keep those representations. And St.  
21      Patrick's has actually don't it. So, I think that's a  
22      significant issue.

23                  The other issue is that I think the high  
24      school in general is badly needed. I mean, many of us  
25      who are in the District, particularly when you go to

1 the high school level and you apply for your children,  
2 what you find out is the quality of good high schools  
3 around is remarkably scarce. And the amount of seats  
4 available at the high school level is remarkably  
5 scarce. And I think that has implications for D.C. as  
6 a whole.

7 We have often times thought about  
8 potentially moving out to Maryland where there are  
9 more available high school and lots more space. We've  
10 decided to stay here because St. Patrick's was here,  
11 because Georgetown Day was here, but if the high  
12 school is there, that's is a non-trivial magnet. And  
13 I think in the larger context of thinking what's good  
14 for Washington, D.C. as well as the lower Foxhall  
15 area, I think that's a non-trivial consideration.

16 The other thing is that this high school  
17 would be really a Class A high school. We have, and  
18 there's a real deficit of Class A high schools around.

19 And there's no question that this will be one.

20 The quality of the education at St.  
21 Patrick's now at the nursery level and the elementary  
22 level is outstanding. And I don't see that changing  
23 at all for any reason.

24 So, if we have to have a high school, let  
25 it be a very good one. And let it be as strong a

1 magnet as possible, run by people who are as reliable  
2 and community oriented as we can possibly get. And I  
3 think that's what we have here.

4 The very last thing is that I think the  
5 quality generally of the school, the way they are  
6 structured on the school grounds is quite compatible  
7 with the area. There will still be a lot of green  
8 left, like they've tried to do it right. They haven't  
9 tried to institute any of the cheap buildings or kind  
10 of cut corners in the design. And I think that's  
11 important because it's an upscale area. The buildings  
12 and the ground should reflect that and I think they  
13 have.

14 And so all the way around I would just  
15 like to say, I think in closing that I think more than  
16 any other development option that we have available to  
17 us in the community, this is the one. And I think  
18 generally when I've got meetings of the Foxhall  
19 Citizens Association, it isn't always those people  
20 that speak up, but I think in general when we talk  
21 about if St. Patrick's were to provide assurances on  
22 the basics, which is traffic, which is very mettlesome  
23 at the Foxhall intersection and parking which they  
24 have done. The parking is on site. And if they make  
25 commitments to keep the kind of the noise and

1 disturbance level off hours at reasonable levels, my  
2 general feeling is most of the community is very  
3 comfortable with St. Patrick's.

4 And so I think I'd like to just say that I  
5 think I stand with the rest of them.

6 And that's the representation I'd like to  
7 make. So, thank you.

8 CHAIRPERSON GRIFFIS: Excellent. Thank  
9 you very much.

10 Questions from the Board? Any cross?  
11 Applicant? ANC? Parties?

12 I want to thank you all for coming down  
13 and giving your testimony. Of course, it's very  
14 critical for the Board to hear from you.

15 We've heard numerous letters in support of  
16 the application and hearing it in person also is an  
17 excellent opportunity from talking about eight years  
18 association and the development being imminent to the  
19 development that's been chosen as a good high school  
20 and a good option. Something with a real track  
21 record. I think that's important for us to  
22 understand.

23 When we look at being good community  
24 members, certainly that's something that the school  
25 has been brought forth in their testimony. And, Ms.

1 Carter, when we look at the substance of it and what's  
2 before us, I think that is a factor. However, do not  
3 go away thinking that we've lost our minds because  
4 we're not delving into the quality of education here.

5           Unfortunately, or maybe fortunately, we  
6 are stuck with being responsible only for that in DCMR  
7 11, Title 11 which is Zoning, which doesn't always  
8 become the most fascinating. But what we're charged  
9 with doing and actually measuring is almost from a  
10 negative standpoint, I would say. Section 206 of  
11 which we're here for today charges us with assessing  
12 and judging whether the location of a school might  
13 create some objectionable conditions.

14           So, no where have I found in our  
15 regulations the ability for us to judge the quality of  
16 education that is provided. Of course, that factors  
17 in. It's good. I know your point, but I don't want  
18 it to be lost in the fact that we are often times just  
19 tied with the more dry and mundane.

20           MS. CARTER: I understand that. But it's  
21 still very important to evaluate individual objection  
22 that particular neighbors are making.

23           CHAIRPERSON       GRIFFIS:           Certainly.  
24 Certainly.

25           MS. CARTER: Vis-a-vis, the import on the

1 rest of us who have a vested interest too and will  
2 impact our property values as well.

3 CHAIRPERSON GRIFFIS: Sure.

4 MS. CARTER: They're just not vocal.

5 CHAIRPERSON GRIFFIS: And I think that's a  
6 critical point.

7 MS. CARTER: And that was sort of what I  
8 was trying to get at.

9 CHAIRPERSON GRIFFIS: No. And absolutely,  
10 and it's not lost on me and I don't think it's lost on  
11 the Board. There is always a screaming quietness of  
12 testimony in all applications. But we are also  
13 charged with looking at the very substantive elements.

14 And this is unique in terms of other 206  
15 applications that we have. Is we have relief  
16 requested under 2516 which is a theoretical lot  
17 subdivision, which is long and laborious. It's a huge  
18 section actually and an incredible amount of  
19 specificity that has to be either referred to or  
20 agencies have to analyze and, of course, we're charged  
21 with making sure that all happens. And then we are  
22 charge with looking at the specifics in it.

23 So, with that, we get into all those.

24 In the end, all we're doing today, of  
25 course, is establishing and creating an entire record



1       which the Board will then diligently and look at,  
2       review and then render our judgment.

3               But, again, I thank you all for being  
4       here. It's very helpful and indeed very substantive.

5               And with that, there is still time left to  
6       enjoy a beautiful day, if you would like. If not,  
7       certainly hang around and listen to the rest of this.

8               Let's gather anyone else that wants to  
9       provide testimony.

10              Are there any others in support that came  
11      in?

12              I'd like to get the panel next in  
13      opposition. Persons in opposition.

14              And then as I said, we'll bring up the  
15      parties again for presentation of their cases as they  
16      have evolved.

17              Good. Others to provide persons?

18              Let me just be clear because often I am  
19      not.

20              If anyone is here that is anticipating  
21      presenting testimony, either for, against, neutral,  
22      good jokes? Very well. We have nothing further then,  
23      it is all you.

24              MS. FERGUSON: My name is Sidney Ferguson  
25      and I live at 4508 Hoban Road, directly across from

1 the intended development by Friends of St. Patrick's.

2 I am here today as an individual person  
3 who lives across the street. I have been a party to  
4 more than 60 or 70 meetings as a member of the  
5 Architectural Covenants, but I come here as a single  
6 homeowner today and not representing CHNA.

7 I'm concerned about the BZA after  
8 listening to many of the comments today because many  
9 of the concerns that were brought up by the Park  
10 Service, ground water run off and a variety of other  
11 issues were not actually brought to the attention in  
12 the meetings that I have attended.

13 And more importantly, I think it's  
14 important for you all to understand that the Colony  
15 Hill Neighborhood Association came to an agreement  
16 with the Friends of St. Patrick's after having made  
17 many, many agreements on homeowner's association  
18 covenants on architectural review and what not.

19 I'm alarmed after sitting here all day to  
20 hear that, in fact, while I think it's a wonderful  
21 idea in concept that the school may be used for other  
22 purposes knowing that our group made concessions and  
23 went with St. Patrick's on this having been agreed  
24 that there wouldn't be games on Sundays, that things  
25 would stop at the school around 7:00 at night. And a

1       lot of these things, it concerns me greatly.

2                   Our property values for those of us who  
3       live directly across the street on the top of Hoban  
4       will be severely impacted by the seven-year  
5       construction time. But also just by the fact that an  
6       entire forest will leaving as they put all these  
7       houses in.

8                   We all came to an agreement because the  
9       neighborhood negotiated for those specific things  
10      about when the games would be, how many games it would  
11      be. It doesn't sound like a very big deal. But  
12      actually we have a terrific amount of noise from the  
13      airplanes overhead and there is probably more noise  
14      specifically where we are than in many other parts of  
15      the District just because of the airport noise of the  
16      planes. Particularly, when the weather is bad.

17                  So, I urge you as you look at what it is  
18      that we're agreeing to and knowing that they want to  
19      come back later on to talk about a summer camp, and  
20      these other things, we have to consider the agreements  
21      that were made, some at the 11<sup>th</sup> hour and the people  
22      that agreed to those.

23                  I'd also like to urge you to consider the  
24      traffic situation. We don't have a consensus that  
25      Hoban should be a two-way street. I know it will take

1 another hearing.

2 Moving at the top of that street now I  
3 almost get run over every morning by somebody cutting  
4 through about 40 miles an hour. I do have two  
5 children. I have a dog who I walk. And I think if  
6 it's changed to two-way, it's going to be very  
7 difficult for all of us.

8 I understand that progress must go on. I  
9 just want to be sure that Friends of St. Patrick's  
10 deals with the neighbors in a neighborhood fashion.

11 We had trees. We had terrible lightening  
12 -- terrible wires that came down in the street which  
13 started a fire. Those wires were on the street from  
14 January until March and the trees were down in the  
15 neighborhood until June. And the fence still isn't  
16 back up. And there's a lot of teenagers that like to  
17 go over there and party.

18 As a parent of two young teenagers, I  
19 don't like having mobs of teenagers in an abandoned  
20 piece of property across the street from me.

21 I've heard a lot about St. Patrick's being  
22 a great neighbor today, what a great neighbor they'll  
23 be in the future, but I encourage them to be a great  
24 neighbor now, right now, 4:00, 5:00. And I also  
25 encourage them to try to live up to the agreements

1       that they made with our neighborhood. And I hope that  
2       they will try to do that.

3               Thank you.

4               CHAIRPERSON GRIFFIS:    Excellent.    Thank  
5       you very much. I think it's critical to hear.

6               Any questions? Cross?

7               Excellent.

8               Yes, sir?

9               MR. AVERY:    Can I ask a question.

10              CHAIRPERSON GRIFFIS:    Certainly, but you  
11       have to be on a microphone.

12              And while he's coming up to ask a  
13       question, which of course will be procedurally, I'll  
14       have the parties come up and get ready for their  
15       presentation of their cases they've put together.

16              Yes, sir.

17              MR. AVERY:    I'm Bob Avery.    I'm the  
18       President of the Foxhall Citizen's Community  
19       Association.

20              We are not technically a party.

21              CHAIRPERSON GRIFFIS:    Okay.

22              MR. AVERY:    But I've been actively engaged  
23       in the negotiations. And as part of really responding  
24       to some of the issues that came up today, I would like  
25       to speak to those and we've agreed with Colony Hill.

1                   CHAIRPERSON GRIFFIS:     Now would be a  
2 perfect time for you to do that.

3                   MR. AVERY:    Okay.

4                   CHAIRPERSON GRIFFIS:    So, don't leave.

5                   MR. AVERY:    No.   I'm just getting --

6                   CHAIRPERSON GRIFFIS:     I know.    Getting  
7 some -- good.    Would the association questions allow  
8 you the flexible five minutes as we've allowed the  
9 persons the flexible three and then parties will get  
10 to you.

11                   Is there anyone else that hasn't fit into  
12 any other category that I've called?

13                   Excellent.

14                   MR. AVERY:    Then I'll follow up on that.

15                   As I said, I'm Bob Avery.    I'm the  
16 President of the Foxhall Citizens Community  
17 Association.

18                   We did not choose and in part listening to  
19 your suggestions to be a formal party because we saw  
20 interests as coinciding with those of Colony Hill,  
21 Camille Comeau who is also on our board, she has been  
22 a separate party and we felt that that represented our  
23 interests.

24                   It also chose initially not to be part of  
25 the negotiations.    We felt it was better for St.

1 Patrick's to deal with one organization which was  
2 Colony Hill.

3 Ultimately, however, we did choose to  
4 become engaged, in part, because it did not appear  
5 that negotiations had led to a solution.

6 After the first BZA hearing when I twas  
7 delayed, we went back to our members, the Foxhall  
8 Citizens Community, the Board voted to oppose the  
9 school on the basis of traffic and unless traffic and  
10 operations conditions were imposed.

11 We took the issue to our membership in  
12 April at our meeting and they voted 36 to 1 to endorse  
13 our action.

14 We followed up with the ANC, took our  
15 issues to the ANC in a special May meeting in which  
16 they basically supported most of what we had asked  
17 for.

18 We also actively entered into negotiations  
19 along with Colony Hill and Camille Comeau who is  
20 really the brains behind the whole operation, I must  
21 say. And the one who really had the right -- a lot of  
22 the reason that we are all here today in agreement is  
23 because of Camille. We all owe her a great debt of  
24 gratitude.

25 So, why did we did engaged in this? What

1 is it from out standpoint that we're really focused  
2 on?

3 And our main concern, first and foremost,  
4 and really mainly is traffic. I think as people have  
5 alluded to, the traffic on Foxhall Road during the  
6 morning peak hour and now in the middle of the  
7 afternoon has reached the point of congestion of  
8 overload.

9 Ann Haas was wrong before. There are now  
10 10 -- this will be the 10<sup>th</sup> private school within 2  
11 mile of the corner of Whitehall and Foxhall. Ten  
12 private schools, two universities.

13 It's not zoned that way. Each of the  
14 decisions, each of these schools or most of these  
15 schools has come back to the BZA incrementally for  
16 either putting in a new campus or expanding during the  
17 last 10 years that I've lived in this area.

18 Each of these incremental decisions may  
19 have made sense in isolation. Each school, if you  
20 look at their marginal impact, it was small. However,  
21 collectively when we wake up at the end of 10 years,  
22 in many ways the character of your neighborhood has  
23 changed.

24 Each day we estimate more than 1,500 cars  
25 drop off students within that half mile radius.



1 Fifteen hundred cars return.

2 As Ann Haas said, there's only 19,500 cars  
3 that go on Foxhall each day. That's a significant  
4 part of that Foxhall traffic.

5 Many -- it is true, many of these students  
6 do come from the District, but many also come from  
7 Maryland and D.C. And I should say in response to  
8 earlier comments, I have an eight-year old son. He  
9 goes to public school. He went to St. Patrick's camp.  
10 They have a terrific camp. So, I can also see both  
11 sides of the issue.

12 St. Patrick's is on the unfortunate  
13 position of being the new marginal school. Our  
14 neighborhood felt in its voting that the Field School  
15 represented a real model. The basis feedback I got  
16 was whatever the BZA did, whatever was done with the  
17 Field School works. Whatever was done with the Lab  
18 School and Georgetown Day, doesn't work. Those are  
19 the schools that people complain about.

20 There are differences in the structure.  
21 We were drawn into the process, not with the intent of  
22 stopping the school. That really would not have been  
23 a realistic objective. What we wanted was -- our  
24 charge was to impose on the school or have the BZA  
25 impose on the school the same kind of conditions which

1       our neighborhood feels seem to work at field School.  
2       We see that in the long run as win/win. We did not  
3       see those elements in the school's original BZA  
4       application.

5               We entered into negotiations and I must  
6       admit we did not see -- we were not optimistic that  
7       that process would necessarily lead to a solution.  
8       And as you all understand, that pessimism proved to be  
9       unfounded. We did reach an agreement.

10              The conditions we sought were significant  
11       restrictions on the original operations and traffic  
12       management plan that BZA imposed. And it's important  
13       that the BZA understand that.

14              We were asking for a lot. In my view what  
15       has been delivered by the school meets those  
16       objectives. And it's not a matter of reluctantly us  
17       accepting them. I think that the school ultimately  
18       came to us, accepted the kind of conditions that we  
19       sought or demanded, if you wish. And having met those  
20       conditions, it is my belief now that this school has  
21       an operations and traffic management plan that are  
22       comparable, that I can go to my constituency and  
23       credibly argue, it's comparable to those of the Field  
24       School.

25              And it's my belief that with those kinds

1 of conditions this school and its basis design, the  
2 fact that there is one point of ingress, the fact that  
3 it has underground parking, elements that are not --  
4 there are elements of this design which are superior  
5 to those of the school, meet the conditions that we  
6 required.

7 I am concerned and remain concerned that  
8 this incremental growth, I would perhaps not be as  
9 amenable the next time a school would come back to the  
10 BZA and ask to expand within a half mile radius. Our  
11 neighborhood probably has to be prepared to really be  
12 more vigilant.

13 So, I enthusiastically support the  
14 Operations Plan that's been proposed and agreed to. I  
15 think it is one that the community can feel satisfied  
16 with, not just satisfied but enthusiastic. We have  
17 done better than I ever expected we were going to be  
18 able to do.

19 Now, let me address one additional issue  
20 and it may be moot at this point. But it is relevant  
21 because I think there's a quid pro quo in this  
22 process.

23 If the school accepts the kinds of  
24 conditions that we have demanded of them, it's  
25 critical that the community not be frivolous or petty

1       in the things that it imposes on the school. I think  
2       that is the appropriate quid pro quo.

3               One of the clauses in the ANC's original  
4       request to the BZA in its February 18<sup>th</sup> letter stated  
5       that a transportation report should be required for  
6       each subsequent year until the school reached it's  
7       full capacity. And any requests for an increase in  
8       students beyond the initial enrollment, shall be based  
9       upon the successful implementation of the school's  
10      transportation plan.

11              Now, that's a contingent growth. It means  
12      that the school cannot grow unless it goes back each  
13      year to the ANC and meets this criteria.

14              And I understand the purpose of a clause  
15      like that, because it's a check. It means that the  
16      school has to come back and show that it's operating  
17      in good faith and in compliance.

18              But it is my belief that the traffic  
19      management plan that's been agreed to really is not  
20      going to be relevant until the school is close to full  
21      capacity. So, this condition, in my view, doesn't  
22      serve any value to the community. It is not a  
23      condition in which -- it's easy to meet so to speak.  
24      It's not a condition in which the community is really  
25      having any meaningful redress.

1           But, however, the clause may serve to  
2   hamper St. Patrick's ability to gather funding because  
3   it restricts -- it places conditions upon the school  
4   reaching its ultimate size.

5 I would ask the BZA to strike the last  
6 part of that clause or not accept the recommendation  
7 from the ANC. So, it should simply read that the  
8 transportation report shall be required for each  
9 subsequent year until the school reaches full  
10 capacity. Period. And just drop the part of that  
11 clause that relates to the condition.

12                   And so I repeat.    I'm happy with this  
13       agreement.

14 I'm sorry, one additional thing I wanted  
15 to mention.

16                   There were statements raised earlier.  
17       Questions about St. Patrick's retaining the right to  
18       come back on certain conditions, particularly, the  
19       summer camp and the open campus.

20           It is my interpretation, having been on  
21   the other side of the table, when that agreement was  
22   reached, what in interpret that as, they can come back  
23   to you without prejudice. Exactly, I think, what the  
24   chairman said.

25                    If they come back, we're not going to be

1 bent out of shape and say, you're coming back and you  
2 promised you wouldn't. They can come back, raise it  
3 as a new issue with full prejudice. I retain the  
4 right to argue against it at that point, but I'm not  
5 going to say that they don't -- that they've said that  
6 they wouldn't come back.

7 Thank you.

8 CHAIRPERSON GRIFFIS: Excellent. Thank  
9 you very much. Very pertinent informational  
10 testimony. We appreciate you taking an effort to  
11 provide that.

12 Let's move ahead then and then we'll have  
13 everyone cross the testimony or the panel.

14 I'll start with you.

15 MR. LYLE: My name again is Edward Lyle,  
16 Colony Hill Neighborhood Association.

17 For us, as for the Applicant, this an  
18 accumulation of about a year's worth of dialogue back  
19 and forth in one form or another from the time that  
20 they initially asked us and small groups to come in,  
21 get a briefing on what they proposed to do through the  
22 run up to the hearing in February where we were a  
23 party in opposition. And we were fully prepared to  
24 put on a case in opposition to subsequent dialogue  
25 that we've had with citizens and Ms. Comeau and Mr.

1 Hebert and Mr. Forrer here.

2 And we've come a long way in terms of  
3 modifying our position to the point where as I stated  
4 today, we are now a party in support.

5 We are a party in support because the  
6 application has been changed. And it's been changed  
7 in some very fundamental ways, not only in terms of  
8 the traffic and school operations, which you've  
9 testimony on here today, but also in terms of the  
10 architectural controls. And those are three areas  
11 which are very important to us. And the school  
12 operations because of the noise and light impacts on  
13 our community in various ways and trying to reasonably  
14 control those or get some kind of agreement that both  
15 sides could live with on that.

16 The traffic because of the loading on  
17 Foxhall Road. I think there's been ample discussion  
18 here today about the conditions on Foxhall Road. And  
19 so anymore of a loading on it is of very significant  
20 concern to us. And also the traffic would come  
21 through Colony Hill in the context of the residential  
22 community to be built.

23 The architectural provisions are very  
24 important to us because many of them are qualitative  
25 in nature. They basically tried to provide that what

1       will be built will be compatible with what is already  
2       there on the opposite side of the street in Colony  
3       Hill right now.

4               Clearly, there will be a reduction in  
5       property values on our side if what is built there is  
6       very different and sort of out of style with the  
7       neighborhood and so forth. It will be a very jarring  
8       effect architecturally.

9               And so thanks to the gentleman on my left,  
10       Mr. Forrer, and others we have written and reached an  
11       agreement on a fairly elaborate set of architectural  
12       controls designed to provide that conformity to what  
13       is already present in the area.

14               And they are very much of essential  
15       character to us in terms of why we have modified our  
16       position.

17               And so things which might disrupt the  
18       balance which we have reached tentatively with the  
19       Applicant in this case, will be of concern to us. As  
20       was raised today, the possibility of the Applicant  
21       allowing the field or other facilities to be used by  
22       other groups in the neighborhood -- other groups come  
23       in one way or another -- outsiders. That is a prime  
24       concern to us because it disrupts the calculus. We  
25       don't know what that would mean and quite frankly we



1 think hat the impacts coming from the school and the  
2 residential community are going to significant enough  
3 as they stand.

4 The other point to be made is, as was made  
5 by several people here, the number of schools in our  
6 area is very, very significant at this point. And in  
7 the larger context, allowing the schools to be opened  
8 up for others to come in and use, is going to provide  
9 more disruption into the community where we already  
10 feel that these schools are already having enough of  
11 an impact on us right now.

12 So, that is another reason why we would be  
13 very concerned about any alteration of the provisions  
14 we've negotiated and with due respect to the BZA's,  
15 you know, leave way to do whatever it wishes it do,  
16 but it will be a concern to us if those kinds of  
17 things are changed, because it changes the basis on  
18 which we have changed our status in this proceeding  
19 from opposition to being in support.

20 Thank you.

21 CHAIRPERSON GRIFFIS: Excellent. Thank  
22 you very much.

23 MR. FORRER: John Forrer again.

24 Much of what I was going to say has been  
25 said by one of my colleagues to my right and I won't

1 take your time to repeat it. I would just like to  
2 emphasize two points.

3 The architectural controls that have been  
4 put to you by the Applicant that were negotiated with  
5 us, are somewhat unusual. They're unusual in the  
6 sense that they apply to lots that are not even in the  
7 theoretical lot subdivision. They apply to the nine  
8 lots that are along Hoban Road which are matter-of-  
9 right lots.

10 But they address a critical element of the  
11 re-development or the in-fill development in an urban  
12 area which all of the Governments in this area need to  
13 wrestle with or have been wrestling with. Montgomery  
14 County has already addressed it. Arlington tried to  
15 and didn't. We have dealt with it here in a very  
16 small area just affecting nine lots, but lots that are  
17 critical to us because they will effect the visual  
18 completion of Hoban Road.

19 What happens on the interior 18 lots,  
20 those of us that live in Colony Hill don't have to see  
21 if we don't choose to drive in there. But we will  
22 every day drive by or in the case of a few of us, look  
23 out of our windows and see the lots along Hoban Road.

24 So, it was critical to us that they be  
25 architectural harmonious with Colony Hill. Not exact

1       replications of a 1935 house when most of our houses  
2       were built in the '30s, but harmonious with them and  
3       at the same time adopting modern building techniques  
4       and standards that are appropriate to expensive houses  
5       today.

6                       I urge you to adopt them and I urge you to  
7       adopt also the enforcement procedures that go along  
8       with them, because they are particularly significant  
9       to me.

10                      We have agreed upon a process by which  
11       when a set of building plans is prepared and submitted  
12       for a building permit, the copy will come to us. We  
13       will have two weeks to review it and comment on it.  
14       If we think that they don't conform in any way with  
15       the restrictions that were imposed, there will then be  
16       a mandated period of discussion between us and the  
17       builder. And if we cannot reach agreement, it will  
18       then be -- there will then be an opportunity to take  
19       them to the DCRA. And if necessary, back to the BZA  
20       here as the ultimate arbiter.

21                      We have agreed that you are the court of  
22       last resort and neither side would appeal your  
23       decision. You will have to consider whether you are  
24       willing to accept this honor. I hope you will. If  
25       not, we will have to work out some other mechanism for

1        resolving any disputes.

2                    And then the last thing I'll say is, I've  
3        been involved in the development business for 25  
4        years. I've been involved in many discussion between  
5        the developer and the neighborhoods. Prior to today,  
6        I've always been the developer. I've always worn the  
7        black hat. This is my first time as a member of the  
8        neighborhood.

9                    I hope that in all of my previous  
10       negotiations I approached it with the same integrity,  
11       with the same spirit, with the same goal of  
12       cooperation toward a joint goal that the Friends of  
13       St. Patrick's and the developer they chose, Elm  
14       Street, have proposed to have entered into these  
15       negotiations with.

16                   It has been a credit to work with them.  
17       In particularly with Katherine Bradley and with Jim  
18       Perry from Elm Street. Without them we could not have  
19       achieved the agreement that we've reached.

20                   They have my total respect and gratitude  
21       for the manner in which they have handled the very  
22       difficult but profitable, I think, for everyone  
23       negotiation.

24                   Thank you.

25                   CHAIRPERSON GRIFFIS: Thank you very much.

1                   MR. HEBERT:     I'm Jay Hebert, at 1717  
2     Foxhall.

3                   And I also want to repeat what I said  
4     earlier to express my thanks to the Friends of St.  
5     Patrick's and to the school. Without Ed Murphy and  
6     Terry Armstrong and Katherine Bradley, we wouldn't  
7     have made the process we've made. I greatly  
8     appreciate the way in which they worked with us and  
9     with the neighborhood associations.

10                  Our agreement -- we were as the residents  
11     of 1717 Foxhall Road and, you know, the first southern  
12     most driveway from this development, are very  
13     concerned about the traffic impacts of this  
14     development and about the noise impacts of this  
15     development. And we think that the three components  
16     of our fundamental agreement are important to all of  
17     those.

18                  We agreed to a traffic cap with the  
19     school. Frankly, ours was a little bit more lenient  
20     than the neighborhood associations. But I think the  
21     traffic cap agreement that the associations worked  
22     with the school are integral to what we're looking at  
23     on Foxhall Road.

24                  The road configuration itself we think is  
25     vitally important. With all due respect to Ms. Gates,

1       there will be a pinch somewhere on Foxhall Road. The  
2       question is whether it is north of the school entrance  
3       or at Whitehaven. There will be a pinch. And the  
4       question is where that pinch will be safest and where  
5       that pinch will least harm the traffic on Foxhall  
6       Road. We believe leaving it at the Whitehaven/Foxhall  
7       intersection with proper signage, best mitigates the  
8       safety concerns and best mitigates the traffic back up  
9       concerns that pinch ultimately presents to Foxhall.

10 And finally the Operations Plan.

11                   We think all of the issues raised in the  
12       Operations Plan deal with traffic and noise issues and  
13       in a duration of nuisance issues.

14                   Let's not kid ourselves. We're going to  
15       have a middle school and a high school there. You  
16       know, there will be a little bit more noise. There  
17       will be, you know, games in the evening. There will  
18       be things going on that don't go on today. But we  
19       think the Friends of St. Patrick's and the school have  
20       done yeomen's work with us to try to come to a  
21       reasonable accommodation to protect our property  
22       values, to protect our use of our property. But also  
23       to maintain their insistence that they have a school  
24       of excellence. And we don't disagree with that.

25 St. Patrick's has been a great community

1 neighbor at the lower school and middle school level  
2 and I'm very hopeful that if all of these agreement  
3 are adopted and the school is developed, that it is  
4 going to be a wonderful neighbor with respect to the  
5 middle school and the high school as well.

6 And with that, I'll risk my wife's ire by  
7 telling you, if you do want that joke, I'll give you  
8 one, if you need one.

9 CHAIRPERSON GRIFFIS: Save it for when the  
10 record closes.

11 MR. HEBERT: All right.

12 CHAIRPERSON GRIFFIS: All that applause  
13 and you're not going to say anything?

14 MRS. HEBERT: I'll say something. I'm not  
15 much of a public speaker, but I want to say that when  
16 I came here on February 28<sup>th</sup>, I was worried about the  
17 school. I was worried about the development. I was  
18 worried about traffic. I was worried about  
19 operations.

20 Everything that we as a community  
21 addressed with St. Patrick's they came back to us and  
22 dealt with us fairly, respectfully and they have  
23 assuaged with these revised plans, with the operations  
24 agreement, the architectural agreement. They have  
25 assuaged every concern that I have. And, moreover,

1       when I looked at the larger frame work in which this  
2       school will exist, the private school orders in the  
3       past, private school operations plans, traffic caps  
4       and traffic plans, I feel like St. Patrick's has gone  
5       very far to advancing the ball to create what should  
6       be a benchmark for other schools when they look at  
7       what they should do reduce their impact on the  
8       community.

9                       And I'm proud of all of us.

10                      That's it.

11                      CHAIRPERSON GRIFFIS:    Excellent.    Thank  
12       you very much.   Thank you all very much.

13                      And let me just address a couple of things  
14       as we've gone through.

15                      I    think    this    last    presentation    is  
16       excellent in formulation.   One, just beginning with  
17       some of your filings.   I mean all of your filings,  
18       those that filed.

19                      My questions I think maybe raise a little  
20       bit of concern in terms of some of the uses in off  
21       hours.   But I want to assure that we're not going to  
22       go in as we take this record together and second guess  
23       what has happened and what has been agreed upon.   I  
24       think it is incredibly important.   I've said it  
25       already, that we need to understand all those element.



1       They aren't new elements in generality to the Board,  
2       but they are specific and that's just what we're  
3       trying to reach.

4               So, with that, I don't think, although we  
5       do have the power to do anything we wish as you said,  
6       I don't think we often invoke that or use it. So, I  
7       want to assure you that we will get into all the  
8       substantive elements and the issues that are brought  
9       forth here.

10              I also wanted to say it's excellent how  
11       you've approached just this limited testimony because  
12       it's very important to us and you've broken it out  
13       just as we had asked the Applicant to do and that is  
14       looking at the specific provisions under 206, whether  
15       you realized you were doing it or not.

16              But it dealt with the school itself and  
17       those issues that may have arisen. And you have found  
18       that they would, in fact, not arise into any  
19       conditions that would be detrimental or could not be  
20       dealt with in order to be remediated.

21              And then also on the 2516, which goes into  
22       theoretical lot subdivisions, which goes to the  
23       residential. Very clearly distinct and different for  
24       our purposes. Maybe not for yours, but you've broken  
25       that out, I think, very articulately, and it's

1       important for us to understand those architectural  
2       controls and the reasoning behind those. We have them  
3       all the time and some of us may want stronger and some  
4       of us may want weaker. For this and the specifics  
5       that we've seen here are very well said. And I have a  
6       firm belief that we understand exactly why they are  
7       what they are and now it's our charge to weight those.

8               The appeal process which was brought up  
9       which I think is an interesting point. Just to be  
10      clear, it isn't a separate system that essentially is  
11      based in your agreement as I have gleaned over a salad  
12      this afternoon reading this.

13             But it is, in fact, an appeal of the  
14      Zoning Administrator, the DCRA's official decision if  
15      it was not to be agreed with. And, therefore, it  
16      would come to us, if I'm not mistaken as an actual  
17      appeal and then obviously we'll be able to hear that.

18             It's an interesting idea to put together.  
19      I'm not sure we've ever run across that in any other  
20      situation. And so it will be fascinating to dig into  
21      that a little bit further.

22             That's all I have at this time, unless  
23      others have comments.

24             Is there any cross then from the  
25      Applicant? Good.

1                   ANC have any cross? And you are all the  
2 parties.

3                   So, we do appreciate it and we appreciate  
4 your testimony also.

5                   Thank you very much. I believe, unless  
6 there is anyone that has now gotten the courage to  
7 address the Board that didn't have it before, it would  
8 end our testimonies at this time.

9                   Thank you all very much.

10                  What last we have then is for any sort of  
11 rebuttal witnesses from the Applicant and conclusions.

12                  Thank you.

13                  With that, Mr. Feola, are you ready to  
14 move right into that?

15                  MR. FEOLA: Yes, sir.

16                  CHAIRPERSON GRIFFIS: Good. Good.

17                  We've just gotten a news flash that Brazil  
18 is up 1 nothing. It's about time.

19                  Okay.

20                  MR. FEOLA: Well, after the United States  
21 showing yesterday --

22                  CHAIRPERSON GRIFFIS: We got to find  
23 another team to watch. Okay.

24                  MR. FEOLA: Thank you, Mr. Chairman.  
25 Again, Phil Feola for the record.

1                   We just have a couple of things we'd like  
2       to cover in rebuttal.     The first is not really  
3       rebuttal, but Mr. Roser, our Civil Engineer, has had a  
4       chance to look at the condition that Mr. Parsons  
5       suggested we look at in the Phillips' case and  
6       prepared a comment on that.   He did the calculations  
7       back there so, I'd just ask Mr. Roser to explain  
8       whether or not we can accommodate that condition and  
9       the why and where for.

10                   MR. ROSER:   Again, my name is Scott Roser.  
11       I'm with the consulting firm of Macris, Hendricks and  
12       Glascock.

13                   Mr. Parsons, Members, would you want me to  
14       kind of read this condition that you're referring to  
15       before I --

16                   MR. FEOLA:   It would probably be good for  
17       the record.   MR. ROSER:   Okay.

18                   MR. FEOLA:   For the other.

19                   MR. ROSER:   I've got a copy Mr. Feola  
20       presented to me.   This is Condition Number 11, page  
21       18, Application Number 17276, which I understand is  
22       the Phillips Park Application which is the adjacent  
23       project.

24                   Condition Number 11 reads "A storm water  
25       drainage system shall be constructed in accordance

1 with Exhibit 50, Tabs 2, 3, 10, 11 and 12 of the  
2 record. Where possible filteras and bio-tension  
3 systems shall be installed as proposed and water will  
4 be captured at the 15-year post-development rate and  
5 released at the two-year pre-development rate.

6 And, I believe, Mr. Parsons, this is what  
7 you're kind of alluding to, that particular condition.

8 COMMISSIONER PARSONS: Yes.

9 MR. ROSER: At least in part.

10 The Applicant shall enter into a  
11 maintenance agreement for the annual maintenance and  
12 upkeep of al storm water management systems including  
13 the filteras, bio-tension and bay saver with  
14 capacities of retention structures and surface water  
15 release rates onto parkland being not greater than a  
16 flow rate of two cubic feet per second. And I think  
17 that was kind of the second aspect of your point you  
18 were trying to make.

19 COMMISSIONER PARSONS: Yes.

20 MR. ROSER: In my understanding of the  
21 District rules and what it seems like was done here,  
22 that 15-year -- what I would call the 15-year, 2-year  
23 management requirement where you take the 15-year  
24 post-development storm run off and you release it as a  
25 2-year rate, is a requirement that the District

1 imposes on those sections of the District where you  
2 are released to the combined sewer system.

3 And my understanding the reason for that  
4 is that obviously you don't want to overwhelm that  
5 combined sewer system to the point where you have  
6 releases into the natural environment of both the  
7 storm water run off and whatever sewage happens to be  
8 in the system at that time.

9 And so I'm not sure that, at least in my  
10 opinion, that this is necessarily the appropriate way  
11 to address, I think, the problem that we're trying to  
12 address and that being channel erosion.

13 What we did is we took the District's  
14 standard requirements from management and then we  
15 added to them what we believe is the state of the art  
16 method of providing management to control erosion.  
17 And that is the extended detention of the run off from  
18 a one-year storm. It's what the State of Maryland has  
19 just recently adopted. And the basis behind that is  
20 that you're taking a more frequent event and you're  
21 releasing it at such a small rate that there's no  
22 erosion related to it.

23 In my opinion what you're doing in that  
24 15-year, 2-year type of management, you're basically  
25 taking -- the 2-year rate is generally considered to

1 be in approximately a bank full run off event where  
2 the run off from that is going to fill up a stream  
3 channel. And those type of events are generally  
4 considered to be the most erosive.

5 Larger events will go out onto the over  
6 bank and not very frequently and there's enough  
7 vegetation and things that you won't get a lot of  
8 erosion.

9 So, what you're in a sense doing is you're  
10 taking every single storm and you're releasing it at  
11 what is the most erosive event.

12 Now, in putting this 2 CFS cap on that, in  
13 some cases that issue has been addressed. But we  
14 believe that by providing that one-year, 24-hour  
15 extended detention of the one-year storm, we've done a  
16 better job of addressing that erosion condition and it  
17 would be our recommendation that a condition more in  
18 line with what we're proposing be adopted.

19 COMMISSIONER PARSONS: So, you don't think  
20 there's any wisdom to give it two cubic feet, three  
21 cubic feet, four cubic feet?

22 MR. ROSER: To me, it's an arbitrary  
23 number. I mean, one would look at maybe what rate is  
24 associated with an erosive velocity. But it's  
25 somewhat of a --

1                   COMMISSIONER PARSONS:   Certainly you can  
2   measure a discharge as to how many cubic feet a second  
3   is coming out of it.   Right?

4                   MR. ROSER:   You can.   Yes.

5                   COMMISSIONER PARSONS:   But you haven't  
6   done that here?

7                   MR. ROSER:   No.   We have.

8                   COMMISSIONER PARSONS:   And what would that  
9   rate be?

10                  MR. ROSER:   Well, it varies depending on  
11   we have what I would say are three distinct locations  
12   -- well, three distinct locations of outfall into the  
13   park property.

14                  There's the northern Dell.   There's the  
15   small area at the northeast corner of the property. If  
16   you recall that small area of drainage where there's  
17   no other way to release it.   And as well as the  
18   southern swale release area.

19                  And it varies.   The northern Dell being  
20   the one where it would be most difficult to do the CFS  
21   -- the 2 CFS rule requirement.   Plus we're not doing  
22   that 15-year, 2-year type of management.   We're doing  
23   -- we're releasing the 15-year storm at a 15-year pre-  
24   development rate as opposed to reducing it down to a  
25   two-year pre-development rate.



1                   COMMISSIONER PARSONS:     I'm sorry.     I  
2     thought I asked you how many cubic feet a second?

3                   MR. ROSER:     In the northern Dell?     It's  
4     slightly -- the 2-year rate right now, the pre-  
5     development 2-year rate that we would be releasing at  
6     is -- it's probably on the order of about 3 to 4 CFS.

7                   COMMISSIONER PARSONS:     On all three  
8     discharges?

9                   MR. ROSER:     No.     Just at that one  
10    location.

11                  COMMISSIONER PARSONS:     Northeast corner.

12                  MR. ROSER:     If you summed them all up,  
13    we're probably on the order of 7 to 10 CFS.

14                  What we've also done is we've distributed  
15    the release at multiple locations around the site to  
16    try to mimic the existing run off conditions and  
17    pattens.

18                  COMMISSIONER PARSONS:     There's two under  
19    the Dell, one in the northeast and one in the  
20    southwest? Southeast corner?

21                  MR. ROSER:     Yes. One in the northeast and  
22    one in the southeast corner. Yes.

23                  COMMISSIONER PARSONS:     I think it would be  
24    helpful if you'd provide a concise memorandum of what  
25    you just said.

1 MR. ROSEN: Okay.

2 COMMISSIONER PARSONS: Thank you.

3 MEMBER ETHERLY: So just very quickly as a  
4 follow up, Mr. Feola. So, I might understand that the  
5 condition that Mr. Parsons was contemplating in  
6 laymen's terms is essentially too aggressive and  
7 unnecessary or overkill? I'm just trying to perhaps  
8 get to that concise shall we say summary of what you  
9 just shared.

10 I think I get it, but I want to make sure  
11 I'm clear.

12 MR. ROSEN: I don't -- not knowing the  
13 exact run off conditions that you had at that location  
14 on the Phillips site, I'm not sure whether it -- it's  
15 difficult for me to say that it meets the requirement  
16 or not. I believe if they had done what we had  
17 proposed, it would meet the requirement.

18 MEMBER ETHERLY: Okay. Okay.

19 MR. ROSEN: I mean, it would result in the  
20 desired outcome, which is not erosive release rates.

21 MEMBER ETHERLY: Okay. Thank you.

22 MR. BARNES: Can I add one comment, Mr.  
23 Etherly?

24 MEMBER ETHERLY: It may be helpful.

25 Mr. BARNES: At the Phillips site, the

1 discharge essentially for the whole site was at a  
2 single point which is at the wetlands. We actually  
3 have three major points here, four different  
4 collectors. So, the ability of the receiving streams  
5 to deal with these and the dissolution of the water  
6 that comes out at different points is clearly quite  
7 different. It was all concentrated and I think that's  
8 why the CFM might have been a more appropriate  
9 measurement there whereas dealing with the different  
10 storm events the way he described may actually be  
11 better from an environmental point of view on this  
12 site.

13 MR. BURCHICK: If I could please add to  
14 expand on --

15 CHAIRPERSON GRIFFIS: You have to identify  
16 yourself.

17 MR. BURCHICK: My name is Mark Burchick  
18 and I work for Environmental Systems Analysis in  
19 Annapolis. And I am a Systems Ecologist.

20 To expand on what Scott just said, in the  
21 State of Maryland when they created their new storm  
22 water management manual and went to one-year  
23 management controls, the Center for Watershed  
24 Protection who recommended that particular item for  
25 their storm water management manual said that about

1 the one and a half to two year storm event is the  
2 molding bank full flow that creates the appearance of  
3 how a stream channel looks. And by Macris Hendricks  
4 going down to one year management controls, what the  
5 literature is suggesting that through ecological ties,  
6 because this is such a modest flow amount, banks can  
7 start to achieve some level of repose. They can relax  
8 and lay back their slopes because the non erosive  
9 forces -- the erosive forces have been addressed.

10 So, that's why Maryland's manuals is  
11 considered so good and their design work has exceeded  
12 the District standards and gone to the Maryland  
13 standards for that issue.

14 So, we expect good things down the road to  
15 the receiving streams.

16 CHAIRPERSON GRIFFIS: That's kind of  
17 tranquil picture of a stream bed reposing. Just relax  
18 a little bit.

19 Excellent. Okay.

20 Anything else? Good.

21 MR. FEOLA: Thank you, Mr. Chair.  
22 Actually, the next couple of questions I'm going to  
23 address to Mr. Birchick and Mr. Barnes and a little  
24 bit out of order, out of sequence. But since the issue  
25 came up from the Department of Health, we thought we

1       should cover some of it to make the record complete.

2                   Typically, as you know as you indicated,  
3       any wetland issues are done through a permit stage as  
4       Ms. Douglass from DOH had indicated, we had filed for  
5       that permit. We haven't gotten comments back. We  
6       haven't gotten comments back from the Army Corps. But  
7       the issue has been open, I think we feel like we need  
8       to address it a little bit. And so first I think --  
9       we've passed in Mr. Burchick's resume just for your  
10      knowledge and understanding of who he is and what he  
11      does.

12                   CHAIRPERSON GRIFFIS: A little bit further  
13      direction on that. Because there are agencies that  
14      will look seriously at the substantive elements of all  
15      that. Will get into it a little bit.

16                   I guess what would be critical for us is,  
17      is there anything that would impact what's proposed  
18      obviously.

19                   MR. FEOLA: Exactly.

20                   CHAIRPERSON GRIFFIS: Okay.

21                   MR. FEOLA: And that's what we'd like to  
22      address.

23                   CHAIRPERSON GRIFFIS: Good.

24                   MR. FEOLA: Mr. Barnes may comment.

25                   MR. BARNES: If I might make a few general

1        comments about the testimony you've heard there and  
2        I'll just ask Edith to give me a general plan.

3                The elements that were mentioned by the  
4        Department of Health, their comment that there's a  
5        spring which is really a seepage, rather than a  
6        spring. The ephemeral stream which is a dry stream  
7        bed which we did mention. And there's a small  
8        isolated wetland as well that are all mentioned, are  
9        all things that we had seen, we had factored, we had  
10       presented on a walk through with the Army Corps of  
11       Engineers and the D.C. Department of Health a year  
12       ago. And it was the Corps decision to just take  
13       jurisdiction over the stream.

14               In the integration, all these elements in  
15       the design, the circled old spring house is a small  
16       stone ruin which exists at that point which we'd  
17       identified as an attractive feature that spoke to some  
18       history over the site during the Phase I archeological  
19       study of the site. This and other features of the  
20       site were made known to the D.C. and Federal  
21       historians that deal with this District by EDO who did  
22       the Phase One archeology. Neither of them saw any  
23       particular historical significance in this, but we  
24       liked the little stone structure and plan to erect it  
25       and restore it with a little plaque that talks about

1 its probable history in the development of the site.

2 As Dave Murphy mentioned earlier, the  
3 seepage which is apparent right at the base of it,  
4 it's certainly not a spring. The seepage there is  
5 something that he's asked us to not run into the storm  
6 water management because it's clean, natural  
7 groundwater. So, we intend to pipe it around the  
8 storm water system and delivered as it does now. Of  
9 course, I've lost my pointer there, to feed the little  
10 wetland. I have no pointers that work. To feed the  
11 little wetland, the little stream to the east of the  
12 site.

13 With that said, I mentioned that we do  
14 have a buffer. It just happens to be over some  
15 private land and it would have all the control son it  
16 that would allow it to be maintained in the  
17 appropriate manner.

18 I'm going to let Mr. Burchick talk about  
19 more details.

20 MR. BURCHICK: So, in knowing that we were  
21 going to be moving forward with the wetland permit  
22 application to the U.S. Army Corps of engineers, they  
23 performed the jurisdictional determination of the  
24 wetlands and waters on this project site.

25 The area that we've been calling the

1       northern Dell is one of three fingers of a swale that  
2       feeds in to a persistent perennial stream and the  
3       majority of the base flow of that spring seep  
4       headwater is coming from the Phillips Estate, the  
5       Phillips Park property.

6               There's a second drainage spur that comes  
7       down from Whitehaven Parkway which is National Park  
8       Service land, and then the third spur which is the  
9       northern Dell of St. Patrick's. These three fingers  
10      come together and they have a substantial drainage  
11      area as water flows at the drainage divide of Foxhall  
12      Road and splits two ways.

13             So, there's a pretty good drainage area  
14      that helps provide ground water discharge that is this  
15      perennial seep. The Park Service, the natural  
16      resources management office at Rock Creek Park who  
17      manages Glover Archibald Park says this is probably  
18      the only persistent spring in all of Foundry Branch.  
19      The stream that goes through Glover Archibald Park.  
20      So, they really like it because it's persistent and  
21      probably has good aquatic critters and other elements  
22      that they really want to try to protect into the  
23      future.

24             So, with that said, the water was so  
25      reliable, it was the source of water for the Phillips



1 Estate because it was on well and septic.

2 So, our recommendation all along was to  
3 avoid and minimize any and all impacts into that swale  
4 footprint so that we can try and maintain the  
5 integrity of that entire receiving stream.

6 Now, with that said, there is a southern  
7 swale. Now this swale is entirely different.

8 At the discretion of the Corps of  
9 Engineers, they didn't have to take an ephemeral  
10 channel.

11 Now, ephemeral means it only flows in  
12 response to direct precipitation. So, in a big storm  
13 event -- in this picture, this was the Army Corps of  
14 engineers performing their JD to determine what they  
15 would or would not take. Because if there's any  
16 impasse in decision making of what constitutes  
17 wetlands or waters. If we're having a contentious  
18 argument maybe with DOH, the arbiters would be the  
19 U.S. Army Corps of Engineers. Whatever they say  
20 that's final.

21 So, in the southern swale area, right at  
22 the Park Service boundary fence begins a channel about  
23 six inches deep, about a foot wide. And when flows  
24 finally concentrate, they'll go into this channel way.

25 And all the way down to Foundry Branch it remains a

1       dry channel. So, it's just a conveyor of storm water.

2                   Up above that, the drainage area has been  
3       highly manipulated through cultural -- from a cultural  
4       position. It's been terraced. It's been cut. It's  
5       been filled. What is now a meadow was always  
6       maintained lawn. And then the landowners did a lot of  
7       nursery operations and grew trees.

8                   So, this whole area has always been under  
9       some form of intensive utilization of the swale.

10                  This spring house on the several times  
11       that I've seen it has had just a wet footprint in the  
12       end of the non-growing season when seasonal  
13       groundwater is at its highest elevations.

14                  Right now when you go there, it's bone  
15       dry. And the important thing is that there's no swale  
16       or discharge that shows that even seasonable waters  
17       come out of the spring house footprint. And as you go  
18       down the slope you can look at topography well below  
19       you that express no wetlands and waters. And then  
20       you have an isolate wetland.

21                  So, this spring house and this isolate  
22       wetland that is marginal at best. It contains most  
23       all upland plants, is what the District has claimed  
24       authority over and o help compensate for that, we've  
25       put together a wetland mitigation package where we're

1 taking the head ephemeral channel enhancing it in a  
2 matter of ecological restoration to create a wetland  
3 cell.

4 And by discharging our pre-treated  
5 redundant storm water practices to this wetland cell,  
6 we can achieve good enough hydrology to sustain a  
7 wetland in the perpetuity and dedicate that land into  
8 perpetuity as a natural area that's going to be  
9 protected.

10 We had a 25-foot buffer established around  
11 that and now that we're enhancing it, we can maintain  
12 that 25-foot buffer for the majority of it. Where we  
13 can't, we're asking DOH if we can compensate for that  
14 buffer lost and flip it onto the southern side where  
15 we can continue to expand if DOH would like us to.

16 So, that's the emphasis of our mitigation  
17 package and what's going on in the southern swale  
18 area.

19 MR. FEOLA: So, Mr. Burchick, to address  
20 the Chair's question, is there anything in this plan  
21 if it were to be approved by the BZA that would  
22 prevent us moving forward with the current permit  
23 before DOH and in effect not do damage to the  
24 environmentally sensitive areas?

25 MR. BURCHICK: No. I believe Diane

1 Douglas has been rather receptive to the permit  
2 package to date. And the Corps of Engineers will be  
3 providing their comments. I'm sure that we'll be able  
4 to address all of their concerns within the mitigation  
5 package.

6 I think one of her main concerns to date  
7 is how do you compensate for the footprint of the  
8 spring house? She wanted to talk to peers on her  
9 staff to get a better handle if it would be a one-to-  
10 one replacement scenario or possibly two to one. And  
11 I think that's probably the main issue that we're  
12 currently negotiating. And we'll be able to address  
13 that and incorporate that into our design work.

14 MR. BARNES: That footprint is about 40  
15 square feet. Fifty square feet.

16 CHAIRPERSON GRIFFIS: What would you  
17 replace it with in two to one?

18 Mr. BURCHICK: Well, one thought that  
19 Diane has, is if there is any seasonal base flow,  
20 maybe we could find a way to dig a well, capture that  
21 water, pipe it and send it to the wetlands or  
22 downstream so that the natural receiving channel can  
23 still --

24 CHAIRPERSON GRIFFIS: So, you're replacing  
25 water?

1 MR. BURCHICK: Yes, sir.

2 CHAIRPERSON GRIFFIS: Okay. See how far  
3 lost I was. Okay. Good.

4 Anything else?

5 MR. FEOLA: Sorry, just one last comment  
6 and question for Mr. Ed Murphy who is a members of  
7 Friends of St. Patrick's. You may want to introduce  
8 yourself.

9 MR. MURPHY: Good afternoon. My name is  
10 Ed Murphy. I'm the proud father of two children at  
11 St. Patrick's, a parishioner and one of the founding  
12 members of the Friends of St. Patrick's.

13 MR. FEOLA: Now, Mr. Murphy, you've heard  
14 some testimony today about the northern Dell. I just  
15 want to ask you directly.

16 Does Friends of St. Patrick's or St.  
17 Patrick's School have any plans to build anything in  
18 the so-called northern Dell?

19 MR. MURPHY: No. We don't.

20 MR. FEOLA: You've heard some suggestions  
21 from the ANC that this property should be placed in  
22 some sort of permanent open space conservation  
23 easement.

24 Could you care to explain to the Board why  
25 that may not be possible as we speak?

1                   MR. MURPHY:   Yes.    As I think you know  
2   from John Delaney's presentation this morning, we've  
3   owned the property in more than two years now.

4                   Up until I would say a few months ago, we  
5   really didn't know how the rezoning process -- how  
6   favorable or unfavorable the rezoning process was  
7   going to end up.

8                   We started gaining confidence as we  
9   thought we were seeing more and more success in our  
10   negotiations with our neighbors.

11                  At that point, we then felt comfortable --  
12   the Friends of St. Patrick's then felt comfortable to  
13   convey a gift agreement to the church and the vestry  
14   of the church of the additional 1.53 acres.   The  
15   reason why we held it back was, if the rezoning  
16   process looked like it was going unfavorable, the last  
17   thing we wanted to do was donate that buffer of land  
18   around residential lots that may need again some more  
19   rezoning treatment.   So, we held it back.

20                  So, about four weeks ago we presented  
21   almost a duplicate gift agreement to the vestry of the  
22   church for the 1.53 acres, duplicate to the previous  
23   7.72 acres.

24                  That gift agreement is now going through  
25   its normal, pardon the expression, bureaucratic

1 process inside, not only the vestry of the church, the  
2 rector, then has to go through the diocese.

3 All of that church leadership is now on  
4 sabbatical, on retreat, until the end of June. So,  
5 the earliest time at which the diocese will even be  
6 presented the gift agreement will be end of June,  
7 early July.

8 At that point, then the gift will be  
9 convened and we'll then as the 7.72 acres will then be  
10 owned by the vestry of St. Patrick's. At that point,  
11 I think it would be appropriate for them, the vestry  
12 and the church and the school, to comment on its long-  
13 term outcome.

14 CHAIRPERSON GRIFFIS: Okay.

15 MR. FEOLA: That concludes our rebuttal.  
16 And 30 seconds there to wrap up and --

17 CHAIRPERSON GRIFFIS: Excellent. Any  
18 questions?

19 Any cross on the testimony we've heard  
20 from the ANC or any of the parties?

21 Questions? Cross?

22 Very well. Let's go to it.

23 MR. FEOLA: I'll keep it very, very short.

24 It's been a long day. We appreciate the Board's  
25 diligence in this in first of all giving us a full day

1 really makes it a lot easier to present the whole case  
2 and hear the whole picture at the same time.

3 But we're really please to be part of this  
4 application. I think at the end of the day, as you've  
5 heard, we will as a community, as a city, end up with  
6 a needed and respected middle and high school. We'll  
7 end up with facilities for that school that are  
8 appropriately designed in creating minimal impact on  
9 its surroundings. It will accommodate all of its  
10 needs on site, traffic, parking, queuing, the whole  
11 normal scenario that we usually argue about ad  
12 infinitum in front of this forum.

13 And we will end up with 27 single family  
14 houses that are essentially designed, respecting their  
15 natural environment and the natural terrain and create  
16 an extension of a really handsome, comfortable  
17 neighborhood that is now Colony Hill.

18 So, I think with that, there is nothing  
19 more I can add that has not already been said today  
20 and we appreciate your time and effort and look  
21 forward to your decision.

22 CHAIRPERSON GRIFFIS: Excellent. Thank  
23 you very much and thank everyone for their  
24 participation today. And the work that happened  
25 before that.



1                   With that, let's get some procedural  
2 elements out of the way.

3                   First of all, we have two aspects that we  
4 are requesting. First, was the full PowerPoint  
5 presentation today which I think we have in now.

6                   MR. FEOLA: yes. That was turned in.

7                   CHAIRPERSON GRIFFIS: Excellent. And then  
8 the last was Mr. Parsons was requesting a concise memo  
9 regarding the run off, so we'll have that in. Great  
10 emphasis on concise.

11                  Ms. Bailey, are you aware of any other  
12 elements that were open for question of inclusion in  
13 the record?

14                  MS. BAILEY: Mr. Chairman, the only thing  
15 that I can think of is perhaps findings of fact. Our  
16 proposed conditions.

17                  CHAIRPERSON GRIFFIS: Yes.

18                  MS. BAILEY: I don't know if those are  
19 things that you would want.

20                  CHAIRPERSON GRIFFIS: Absolutely. Let's  
21 get to it then.

22                  We'll come back from a schedule. I see no  
23 reason why unless we can for scheduling purposes of  
24 not being able to set this for a July decision which  
25 is fairly quick. But we have an awful lot in the

1 record as it is.

2 Okay. We're going to set it for the 11<sup>th</sup>.

3 So, moving back. That memo shouldn't take  
4 much time at all, I imagine.

5 MR. FEOLA: We can have it in the record  
6 by Friday.

7 CHAIRPERSON GRIFFIS: By this Friday.  
8 Excellent.

9 Let's have that in by this Friday, close  
10 of business. Obviously, it will be served on all the  
11 participants and the application.

12 We'll keep the record open if there's  
13 responses to that and I'm going to keep that open  
14 until the last filing date which would be that for the  
15 proposed findings of facts or proposed conclusions.  
16 So, if you have reactions or responses to that  
17 information that's in, you can bundle it altogether  
18 and we'll put it in.

19 We would then set the last filing for --  
20 we're either going to do it before the 4<sup>th</sup>, which  
21 would be the Friday before the 4<sup>th</sup> or the Wednesday  
22 after the 5<sup>th</sup>. It doesn't seem like it buys you much  
23 more time going to Wednesday after. But I'll leave it  
24 to the Applicant to decide.

25 MR. FEOLA: Why don't you give us to the

1 5<sup>th</sup>.

2 CHAIRPERSON GRIFFIS: The 5<sup>th</sup> at 3:00 then.

3 We'd have it in 3:00. That way we can utilize that  
4 time and have it clocked in. Then that would be for  
5 everybody. That's the last filing date.

6 What we're keeping the record open for, of  
7 course, is a full draft order, which would be findings  
8 and conclusions and proposed conditions.

9 It is very amenable to the Board if that  
10 isn't done by all the parties. But if there are  
11 conditions that are proposed that are put forth to the  
12 Board, I think that would be useful and helpful.

13 In the past, we have given great  
14 direction. I'll do again the same. That as we have  
15 proposed conditions that a small narrative discussing  
16 why that is being proposed, what it's mitigating, if  
17 it isn't completely apparent. I think that's a very  
18 important aspect and how it relates directly to the  
19 testimony and the application that's before us.

20 There are an awful lot of proposed  
21 conditions out here, upwards of what could conceivably  
22 be 30.

23 Questions? Procedural questions?  
24 Schedule? Everybody is clear? Excellent.

25 In which case, the schedule has been set.

1       If there are questions, of course, the Office of  
2       Zoning staff is very available and will be able to  
3       answer any of those questions.

4               Until then, we have two filing dates.  
5       We'll look for that Friday. That memo and then the  
6       last filings at the 5<sup>th</sup> of July, 3:00.

7               If there's nothing further, Ms. Bailey, is  
8       there any other business for the Board this afternoon?

9               MS. BAILEY: No, Mr. Chairman.

10              CHAIRPERSON GRIFFIS: Very well. If  
11       there's no other business for the Board this  
12       afternoon, let's adjourn and I wish you all a very  
13       good day.

14              (Whereupon, the above matter was concluded  
15       at 4:27 p.m.)

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